

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CASE NO: 2024-09816

DIVISION: N

SECTION 8

RAYMOND SCOTT and AMANDA ALFRED,

Petitioners,

VERSUS

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

Defendants.

MOTION FOR LEAVE TO AMEND PETITION FOR INJUNCTIVE RELIEF

NOW INTO COURT, through undersigned counsel, come Petitioners Raymond Scott and Amanda Alfred, seeking leave of this Court to amend their Petition for Injunctive Relief pursuant to La. Code Civ. Proc. art. 1151. In support, Petitioners assert the following:

1. Article 1151 of the Louisiana Code of Civil Procedure permits amendment of a petition “only by leave of court” after an answer is served.

2. Amendment under La. Code Civ. Proc. art. 1151 is within the broad discretion of the trial judge, which “is measured against the policy in Louisiana of liberality in permitting amendments.” *See Glover v. Shiflett Transp. Servs., Inc.*, 97-2787 (La. App. 4 Cir. 5/6/98), 718 So. 2d 436, 438.

3. “Generally, the amendment of pleadings should be liberally allowed, providing the movant is acting in good faith; the amendment is not sought as a delaying tactic; the opponent will not be unduly prejudiced and trial of the issues will not be unduly delayed.” *Walker v. Schwegmann Giant Supermarkets, Inc.*, 95-1934 (La. App. 4 Cir. 3/14/96), 671 So. 2d 983, 986 (internal citations and quotation marks omitted).

4. Petitioners filed their initial Emergency Petition for Injunctive Relief and Request for Temporary Restraining Order on October 25, 2024, seeking to prevent Defendants the Louisiana State Police (“LSP”), the Department of Wildlife and Fisheries (“DWF”), and the Department of Transportation and Development (“DOTD”) from carrying out harmful sweeps of

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homeless encampments leading up to three Taylor Swift concerts held on October 25, 26, and 27 2024.

5. The Court granted a Temporary Restraining Order on October 25, 2024.

6. Defendants submitted an answer to Petitioners' Emergency Petition for Injunctive Relief and Request for Temporary Restraining Order on October 31, 2024.

7. On November 12, 2024, after a hearing, the Court denied Petitioner's request for a preliminary injunction as moot, upon Defendants' assurances that "there is nothing to enjoin" and that "the operation is over."

8. However, since that preliminary injunction hearing, Defendants have evidenced an intent through public statements and actions to continue their sweeps of homeless encampments leading up to events at the Caesars Superdome, including an imminent sweep on November 25, 2024, ahead of the Bayou Classic football game on Saturday, November 30, 2024.

9. Petitioners are acting in good faith and seek leave of this Court to amend their Petition for Injunctive Relief to include allegations about Defendants' planned November 25 sweep and campaign of additional sweeps over the coming months. *See Walker*, 671 So. 2d at 986.

10. This is the first time Petitioners have sought leave to amend their petition since they first filed it as an emergency petition one month ago, and amendment at this early stage of the litigation will not cause prejudice to Defendants or unduly delay the resolution of this case. *See Walker*, 671 So. 2d at 986.

11. For these reasons, Petitioners respectfully request that the Court grant Petitioners' Motion for Leave to Amend Petition for Injunctive Relief.

Dated: November 25, 2024.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this November 25, 2024, a true and correct copy of the foregoing has been served upon the following via electronic mail:

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CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

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

Defendants.

ORDER

Considering the foregoing Motion for Leave to Amend Petition for Injunctive Relief by  
Petitioners Raymond Scott and Amanda Alfred:

IT IS ORDERED that Petitioners' Motion for Leave to Amend Petition for Injunctive  
Relief is hereby GRANTED.

New Orleans, Louisiana, this 25 day of November, 2024.

  
JUDGE JULIEN

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CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

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VERSUS

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

Defendants.

**EMERGENCY AMENDED PETITION FOR INJUNCTIVE RELIEF AND REQUEST FOR TEMPORARY RESTRAINING ORDER**

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

1. On November 12, 2024, during the hearing on Petitioners' motion for a preliminary injunction, the State represented to this Court that "there is nothing to enjoin" and that "the operation is over" regarding the State's sweeps of unhoused encampments.

2. Yet by Friday, November 22, 2024, barely a week and a half later, the State had begun public preparations for additional sweeps of homeless encampments to begin on Monday, November 25, 2024.

3. Petitioners are a group of New Orleans unhoused residents who have been subject to or will be threatened by sweeps of encampments in and around the Caesars Superdome, the French Quarter, and areas near highways in New Orleans, Louisiana.

4. These sweeps are prompted by events held at the Superdome that bring increased tourism and attention to New Orleans, such as the Taylor Swift concerts in October 2024, and—in the current phase of the State's ongoing sweeps operation—the upcoming Bayou Classic, which will take place between Thursday, November 28 and Saturday, November 30, 2024, and will culminate in a final football game held at the Caesar's Superdome that Saturday.

5. The State's campaign of sweeps tied to Superdome events represents a connected and concerted effort to clear high-traffic tourist areas of homeless people. It is therefore described and referred to herein as "the Superdome sweeps."

6. The Superdome sweeps have been conducted by Defendants the Louisiana State Police's Troop NOLA ("LSP Troop NOLA") and agents of the Department of Wildlife and Fisheries ("DWF") and the Department of Transportation and Development ("DOTD").

7. Defendants concede these sweeps are "not a law enforcement effort."<sup>1</sup>

8. The Superdome sweeps have harmed and will continue to harm Petitioners through the forced eviction and displacement from public places without adequate notice and the unlawful seizure and destruction of their personal belongings.

9. At the Superdome sweep conducted between October 23–25, 2024 ("the Taylor Swift sweep"), a legal observer heard state troopers saying, "the Governor wants you to move because of the Taylor Swift concert."<sup>2</sup>

10. In statements widely circulated on social media and in the press, the Governor has also stated that it is the intent of the State to continue its campaign of Superdome sweeps leading up to and during events that will be held at the Superdome over the next few weeks and months.

11. As a result of the Taylor Swift sweep, the first phase of the State's contemplated Superdome sweeps, the State displaced and evicted Petitioners from several different encampments and forced them to move to a single location using the threat of arrest without due process of law. During the Taylor Swift sweep, the State further seized and destroyed Petitioners' property, resulting in an unlawful seizure and an irrevocable deprivation of their protected property interest without due process of law.

12. Defendants took or destroyed personal property that belongs to Petitioners and other homeless persons. Their actions deprive Petitioners of personal property critical to their survival, such as government-issued identification documents, medication, clothing, bedding, and family heirlooms. The Superdome 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."<sup>3</sup>

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<sup>1</sup> Defendants' Oct. 31, 2024, Opposition to Preliminary Injunction, at pg. 2.

<sup>2</sup> Ex. D, Oct. 24, 2024, Affidavit of Eli Johnson at ¶ 20.

<sup>3</sup> Lesli Harris (@LesliHarris), X, Oct. 23, 2024, 11:27 a.m., <https://tinyurl.com/ydhjwfa8>.

13. 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."<sup>4</sup>

14. "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.<sup>5</sup>

15. During the Taylor Swift sweep, the state agencies evicted and relocated people from multiple locations into a small, overcrowded area of Earhart Boulevard between Freret Street and Magnolia Street ("the state-sanctioned encampment").

16. 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."<sup>6</sup>

17. On October 25, 2024, this Court entered a temporary restraining order during the Taylor Swift sweep to stop the unlawful seizure and destruction of personal property and the restraint of homeless persons into the state-sanctioned encampment. This Court denied the preliminary injunction motion as moot on November 12, 2024, because the hearing was held after the Taylor Swift concert, and Defendants alleged that their sweep operation regarding that concert series was complete.

18. Even if the Taylor Swift sweep phase of Defendants' operation is over, their campaign of Superdome sweeps is not. Petitioners amend their petition to include factual allegations about future harm to them. The State will continue to carry out the Superdome sweeps in this same unlawful manner as it carried out the Taylor Swift sweep unless and until an injunction is issued.

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<sup>4</sup> Katie Fernelius, *Homeless sweep ahead of Taylor Swift concert reveals conflict between city, Troop NOLA*, Verite (Oct. 24, 2024), Available online at: <https://lailluminator.com/2024/10/24/homeless-sweep/>.

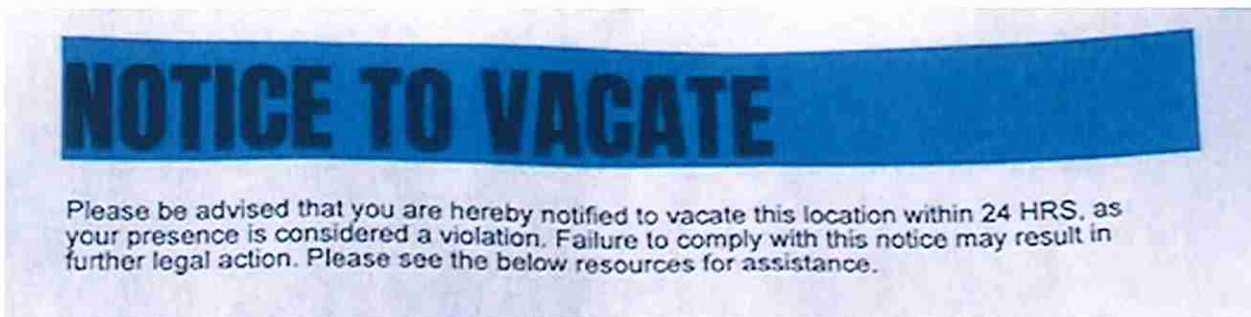
<sup>5</sup> *Id.*

<sup>6</sup> Sophie Kasakove, *Jeff Landry sweeps more downtown New Orleans homeless camps over city's objections*, Advocate (Oct. 24, 2024), <https://tinyurl.com/4txnh325>.



19. Defendants have taken actions indicating that the next phase of their Superdome sweeps operation is under way and will begin on November 25, 2024, leading up to the Bayou Classic (the “Bayou Classic sweep”).

20. Starting on Friday, November 22, 2024, LSP Troop NOLA officers provided flyers to unhoused individuals telling them that their “presence is considered a violation” and they have 24 hours to vacate public property and relocate to another area:



21. The language of the Bayou Classic sweep flyer evinces an antipathy for unhoused people. It does not say that their encampments are a violation or that a long-term stay is a violation. It says that the “presence” of unhoused people, many of whom have nowhere else to go, is in and of itself a violation of the law.

22. These flyers were circulated in advance of the second phase of the Superdome sweeps, ahead of the Bayou Classic. The Superdome sweeps will continue unabated at least through the early spring of 2025, as the venue hosts a series of upcoming events, including the Bayou Classic, the Sugar Bowl, and the Super Bowl, if injunctive relief is not granted.

23. The taking and destruction of Petitioners’ personal property violates Petitioners’ federal and state constitutional rights to due process of law and to be free from unlawful seizures.

24. This lawsuit does not seek to stop the State from regulating the use of state-owned property using proper procedures; only to ensure that the State does so in a manner that complies with the law and safeguards the personal property of Petitioners.

### **PARTIES**

#### *Petitioners*

25. Petitioner RAYMOND SCOTT is a resident of Orleans Parish and a person of the full age of majority. Petitioner Scott is a person currently experiencing homelessness, and he resides in public areas of Orleans Parish. The State evicted and displaced Petitioner Scott from an encampment near the Superdome during the Taylor Swift sweep and relocated him to a state-

sanctioned encampment. During the Taylor Swift sweep, the State seized and destroyed his personal property. Petitioner Scott is working to secure housing through the City and local non-profit organizations. Because he is still homeless, and because he is no longer staying at Defendants' state-sanctioned camp out of fear for his safety, he remains at risk of being subject to Defendants' future constitutional violations during future sweeps.

26. Petitioner AMANDA ALFRED is a resident of Orleans Parish and a person of the full age of majority. Petitioner Alfred is a person currently experiencing homelessness, and she resides in public areas of Orleans Parish. The State evicted and displaced Petitioner Alfred from an encampment near the Superdome during the Taylor Swift sweep and relocated her to a state-sanctioned encampment. Petitioner Alfred is working to secure housing through the City and local non-profit organizations. Because she is still homeless, and because she is no longer staying at Defendants' state-sanctioned camp, she remains at risk of being subject to Defendants' future constitutional violations during future sweeps.

*Defendants*

27. Defendant LOUISIANA STATE POLICE is a state law enforcement agency that is conducting the Superdome sweeps of homeless encampments in New Orleans leading up to and during major events held at the Superdome.

28. Defendant LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES is a state agency that is assisting Defendant Louisiana State Police with sweeps of homeless encampments in New Orleans leading up to and during major events held at the Superdome.

29. Defendant LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT is a state agency that is assisting Defendant Louisiana State Police with sweeps of homeless encampments in New Orleans leading up to and during major events held at the Superdome.

**JURISDICTION AND VENUE**

30. The Civil District Court for the Parish of Orleans has subject-matter jurisdiction over all civil matters, including claims under 42 U.S.C. § 1983, pursuant to La. Const. Art. 5, § 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).

31. 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 occurred in Orleans Parish.

## FACTS

### **A. Homelessness in New Orleans.**

32. The 2024 Point-in-Time Count for New Orleans and Jefferson Parish documented a total of 1,454 homeless persons living in shelters or on the streets.

33. The Point-in-Time Count, conducted by UNITY of Greater New Orleans and its partner agencies, takes place each January to provide as comprehensive and accurate a census of how many people are homeless.

34. The Point-in-Time Count is required, and its scope and methodology are determined by the U.S. Department of Housing and Urban Development.

35. Homelessness has risen five percent overall, but UNITY reports that the one bright spot in the data is that street homelessness is down 12 percent. UNITY attributes the decrease to new resources aimed at housing those living on the street since 2023. This occurred even while the number of people in homeless shelters grew by 16% over the same period.

36. Homelessness rose among Black people by 7% in one year, accounting for 52% of the total homeless population in New Orleans and Jefferson Parish.

37. While encampments in downtown New Orleans are highly visible, only 27 percent of the 483 people sleeping on the streets live in encampments (defined as more than 10 people per block), while 73 percent are sleeping alone, in pairs, or in small groups.

38. At the time of the January 2024 count, 65 percent of those living on the streets were living in areas near the Superdome, such as the French Quarter, Seventh Ward, Central City, and Central Business District.

39. The point-in-time count also documented high rates of disabilities for people living on the streets.

### **B. Phase 1: The October 23–25 Taylor Swift Superdome sweep.**

40. Petitioners are a group of unhoused individuals who were at all times relevant to this action residing with their personal property at encampments in or around the Caesars Superdome in downtown New Orleans, Louisiana.

41. On October 23, 2024, Defendants began a “sweep” of encampments in and around downtown New Orleans.<sup>7</sup>

42. The encampments impacted by this sweep included, but were not limited to, encampments on or near: Gravier Street and South Claiborne Avenue; Simon Bolivar Avenue; Bolivar Street; North Claiborne Avenue and Canal Street; Calliope Street and Loyola Avenue; South Claiborne Avenue and Poydras Street; South Claiborne Avenue and Perdido Street; and Lafayette Street.

43. The sweep was 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 Caesars Superdome set for October 25, 26, and 27.<sup>8</sup>

44. The sweep was conducted “[d]espite requests from city leaders to delay the cleanup,”<sup>9</sup> in part because “these residents were set to be housed in a matter of weeks.”<sup>10</sup>

45. The State did not provide adequate notice or procedural safeguards, such as storage of personal property or other process, during the Taylor Swift sweep.

46. By contrast, the City of New Orleans has a municipal ordinance laying out a procedure for the Removal of Unauthorized Encampments located on public property in the City. *See* Code of the City of New Orleans, Art. XII, §§ 82-693 to 82-703.

47. Although the City ordinance does not reflect State policy, and there are questions as to whether some of the ordinance’s provisions (e.g., the 24-hour notice provision) are adequate and reasonable under the circumstances of the Superdome sweeps at issue, the ordinance provides an example of the type of bare minimum notice and procedures that the State failed to provide during the Taylor Swift sweep.

48. The ordinance sets forth “remediation procedures” to be followed that includes notice to encampment residents prior to the sweep, procedural safeguards to ensure that personal

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<sup>7</sup>Johnathan 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/y9tt2rpk>).

<sup>8</sup>*Id.*

<sup>9</sup>Verner, WDSU, *supra*.

<sup>10</sup>Lesli Harris (@LesliHarris), X, Oct. 23, 2024, 11:27 a.m., <https://tinyurl.com/ydhjwfa8>.

property is safeguarded and stored—not destroyed, and documentation requirements demonstrating compliance. *See* Code of the City of New Orleans, Art. XII, §§ 82-696 (“notice requirements for removal of personal property”), 82-697 (“removal of personal property”), 82-698, 82-701 (“storage of personal property”), 82-702 (“recovering stored personal property”), 82-703 (“reporting requirements”).

49. Among other requirements, the ordinance mandates that, at least 24 hours before a sweep, “Notice shall be posted in the general area” of the encampment. Art. XII, § 82-696 of the Code of the City of New Orleans.

50. 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, §. 82-696 of the Code of the City of New Orleans.

51. During the Taylor Swift sweep, Defendants provided Petitioners in some cases less than 30 minutes of notice prior to the sweep,<sup>11</sup> failing to follow even the bare minimum requirements of the city’s ordinance.

52. Further, Defendants provided false or contradictory notice to residents of at least two encampments (at Loyola and Claiborne and Calliope and Loyola), who were told that a sweep would take place on Thursday, October 24, 2024,<sup>12</sup> or even on November 1, 2024.<sup>13</sup> However, the sweep of these encampments was conducted a day earlier, on the morning of Wednesday, October 23, 2024.

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<sup>11</sup> *See, e.g.*, Ex. A, Oct. 24, 2024, Affidavit of Petitioner Raymond Scott at ¶ 20; Ex. E, Affidavit of Alison Poort at ¶ 21; Ex. J, Affidavit of Angela Owczarek at ¶¶ 11–12.

<sup>12</sup> *See* Ex. D, Oct. 24, 2024, Affidavit of Eli Johnson at ¶ 12; Ex. E, Affidavit of Alison Poort at ¶ 9.

<sup>13</sup> *See* Ex. G, Affidavit of Anothony Howard at ¶ 7–8.

53. Additionally, Defendants “repeatedly” represented that the Taylor Swift sweep would only take place in the French Quarter and in the Calliope area, but then they conducted a sweep of encampments outside the bounds of those areas.<sup>14</sup>

54. The State’s communications about the Taylor Swift sweep were untimely, inaccurate, misleading, or missing altogether, and were not reasonably calculated to apprise residents of the encampments of the intended State eviction and removal of their property.

55. Instead, Petitioners were told by State officials that any personal property left behind would be disposed of and the grounds bulldozed.<sup>15</sup>

56. During the Taylor Swift sweep, Defendants seized personal property belonging to Petitioners and other individuals, including but not limited to tents, tarps, coolers, food, water, clothing, bicycles, medicine, blankets, sleeping bags, electronics, medical equipment including wheelchairs, suitcases, pets, foodstamp cards, religious items, official documents, and family heirlooms.

1. Petitioner Raymond Scott

57. Petitioner Raymond Scott resided at the encampment at the end of Bolivar Street for approximately six months.<sup>16</sup>

58. His possessions included a dog, three tents, bikes and bike accessories, clothing, and other personal belongings.<sup>17</sup>

59. Mr. Scott earns an income by repairing and building bicycles for customers.<sup>18</sup>

60. On October 25, 2024, at approximately 12:30 p.m., Mr. Scott arrived at the encampment to find multiple DOTD trucks and a front loader disposing of his personal possessions.

61. Among Mr. Scott’s possessions that DOTD seized and disposed of were two tents, two bicycles, tools, a grill, clothing, shoes, leashes for his dogs, and dog food. In addition, two

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<sup>14</sup> See Ex. E, Affidavit of Alison Poort at ¶¶ 12, 14, 16.

<sup>15</sup> *Id.*

<sup>16</sup> Ex. A, Oct. 24, 2024, Affidavit of Raymond Scott at ¶ 3; Ex. M, Nov. 24, 2024, Affidavit of Raymond Scott at ¶ 3.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

other bicycles Mr. Scott had in his possession while repairing for his customers were seized and destroyed.

62. Mr. Scott moved to the state-sanctioned encampment on October 25, 2024, but no longer resides there out of fear for his safety.<sup>19</sup>

### 2. Petitioner Amanda Alfred

63. Petitioner Amanda Alfred was living at the encampment at Claiborne and Canal.<sup>20</sup>

64. There were no posted notices of a sweep at the Claiborne and Canal encampment.<sup>21</sup>

65. 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.<sup>22</sup>

66. 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.<sup>23</sup>

67. Defendants then forced Ms. Alfred to move to an unfamiliar location where she does not feel safe.<sup>24</sup>

### 3. Impacts on other residents

68. On October 23–25, 2024, James Hooker was a resident of the encampment at Simon Bolivar. Mr. Hooker had been living under the overpass for about three years. He had a job at a local Burger King and on October 24 had just finished the regular 4 a.m. to 11 a.m. shift he worked six days a week.<sup>25</sup>

69. When he returned to the camp from his shift on October 24, other residents told him that LSP had come to the encampment earlier that day and instructed them to move.<sup>26</sup>

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<sup>19</sup> Ex. L, Nov. 24, 2024, Affidavit of Raymond Scott at ¶ 5.

<sup>20</sup> Ex. B, Affidavit of Amanda Alfred at ¶ 3.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* (“I don’t even know where I’m at and I’m from New Orleans.”).

<sup>25</sup> Ex. H, Affidavit of James Hooker at ¶¶ 1–4, 17–20.

<sup>26</sup> *Id.* at ¶ 21.

70. Mr. Hooker did not see or speak to any of these officials and received no other notice of an impending sweep.<sup>27</sup>

71. On October 25, 2024, Mr. Hooker returned to the camp after his shift and all his belongings were gone, including his tent, clothes, tools, and birth certificate.<sup>28</sup>

72. Anthony Howard had been living at the encampment at Simon Bolivar Ave. and Calliope Street for about six months. It was the first time in his life that he had been homeless and living on the street, and he had been actively working with a caseworker to find housing.<sup>29</sup>

73. Uniformed officers had verbally instructed Mr. Howard that he would need to leave the camp—initially by November 1, 2024, and then later by October 24, 2024.<sup>30</sup>

74. On the morning of Wednesday, October 23, 2024, Mr. Howard went to the Rebuild Center at St. Joseph's Church to shower and then to the library to charge his phone.<sup>31</sup>

75. When Mr. Howard returned to the encampment at 1:15 p.m. on October 23, the area where his camp had been was cleared out and barricaded. LSP vehicles were at the scene.<sup>32</sup>

76. Defendants seized Mr. Howard's tent, clothing, and medications.<sup>33</sup>

77. Anthony Booth, Jr. was also a resident of the encampment at the overpass at Simon Bolivar Ave. and Loyola on October 23, 2024.<sup>34</sup>

78. On that day, Mr. Booth's property was seized, including: a laptop, a cellphone, and photos of his deceased mother.<sup>35</sup>

79. Mr. Booth did not see who took his belongings, but he understood that LSP Troop NOLA and other state officers were the actors who were present that day and seizing property.<sup>36</sup>

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<sup>27</sup> *Id.* at ¶ 16.

<sup>28</sup> *Id.* at ¶ 26–27.

<sup>29</sup> Ex. G, Affidavit of Anthony Howard at ¶¶ 1–5.

<sup>30</sup> *Id.* at ¶¶ 7–8.

<sup>31</sup> *Id.* at ¶ 10.

<sup>32</sup> *Id.* at ¶¶ 12–14.

<sup>33</sup> *Id.* at ¶¶ 18, 21.

<sup>34</sup> Ex. F, Affidavit of Anthony Booth Jr. at ¶¶ 1–5.

<sup>35</sup> *Id.* at ¶ 7.

<sup>36</sup> *Id.* at ¶ 8.



4. Defendants' unlawful actions were observed by city officials.

80. Some of Defendants' illegal actions during the Taylor Swift sweep 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.<sup>37</sup>



<sup>37</sup> Lesli Harris (@LesliHarris), X, Oct. 23, 2024, 11:27 a.m. (<https://x.com/lesliharris/status/1849125435356963323>).

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

82. On Wednesday, October 23, 2024, Ms. Poort spent several hours at the encampment at Calliope and Loyola in her capacity as chief of staff for Councilmember Harris.<sup>38</sup>

83. Ms. Poort 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.<sup>39</sup>

84. Although the tents were unattended, the tents and the items contained inside the tents were reasonably recognizable as personal property of residents of the encampments.

85. Ms. Poort heard that one man had gone to eat at Rebuild, and when he returned, all his items were gone.<sup>40</sup>

86. Another man reported to her that Defendants had taken his clothing, personal memorabilia, ID cards, and his HIV medicine.<sup>41</sup>

87. Another man told her he needed to "leave his meticulously arranged belongings" to go sign a lease and move into a home.<sup>42</sup> An LSP Troop NOLA officer told the gentleman, "then you have a tough choice to make," implying that leaving the belongings meant they would be thrown away.<sup>43</sup>

88. 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.<sup>44</sup>

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<sup>38</sup> Ex. E, Affidavit of Alison Poort at ¶ 2.

<sup>39</sup> *Id.* at ¶ 3.

<sup>40</sup> *Id.* at ¶ 8.

<sup>41</sup> *Id.* at ¶ 9.

<sup>42</sup> *Id.* at ¶ 10.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at ¶ 13.

89. A LSP Troop NOLA officer told Ms. Poort that consolidating the unhoused residents into one area would make it “easier for us to serve them.”<sup>45</sup> However, when she asked if the State would be providing services to people, the officer said no.<sup>46</sup>

90. 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.”<sup>47</sup>

5. Defendants’ unlawful actions were observed by others on the scene.

91. 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.<sup>48</sup>

92. On October 23, 2024, Mr. Johnson arrived at the Loyola and Claiborne encampment at approximately 6:00 a.m.<sup>49</sup>

93. Mr. Johnson observed Defendants arrive at the encampment and, at 8:43 a.m. witnessed LSP troopers encircle the encampment, in conjunction with individuals from the Department of Transportation and Development and the Department of Wildlife and Fisheries.<sup>50</sup>

94. 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.<sup>51</sup>

95. Despite this, Mr. Johnson observed Defendants tell residents of the encampment that they had to leave immediately or would be arrested.<sup>52</sup>

96. Mr. Johnson observed that there were no written notices posted.<sup>53</sup>

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<sup>45</sup> *Id.* at ¶ 11.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at ¶ 16.

<sup>48</sup> Ex. D, Oct. 24, 2024, Affidavit of Eli Johnson at ¶¶ 1–6.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at ¶ 14.

97. 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.<sup>54</sup>

98. Mr. Johnson heard state troopers saying, "the Governor wants you to move because of the Taylor Swift concert."<sup>55</sup>

99. On October 24, 2024, at approximately 7:00 a.m., Mr. Johnson arrived at the encampment at Canal and Claiborne.<sup>56</sup>

100. Mr. Johnson witnessed LSP Troop NOLA officers arrive at the location to sweep the encampment. Residents of the encampment protested that they were on city property.

101. Mr. Johnson then witnessed LSP Troop NOLA officers rephrase their order to a request to relocate, which the residents declined.

102. Mr. Johnson then witnessed LSP Troop NOLA officers move across the street to an encampment under U.S. 90, where they were soon joined by LDWF trucks.

103. Mr. Johnson witnessed Defendants dump out residents' jugs of water and destroy tents, even cutting some up with knives.<sup>57</sup>

104. LSP Troop NOLA officers Cory Himel and Cameron Crockett attested to Defendants' participation in the sweep of the encampment near Canal and Claiborne, an encampment on Poydras St., and a third encampment near Lafayette and S. Roman Streets.<sup>58</sup>

105. Defendants did not obtain a warrant to seize any of Petitioners' property prior to conducting the sweep.

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<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> Defs.' Ex. 9, Affidavit of Trooper Cory Himel at ¶ 12 ("On Thursday, October 24, 2024, I also worked at the encampments, helping relocating residents, more in the Canal/Claiborne area. We helped them pack up when they allowed us. I also assisted in the Poydras area, around Lafayette and South Roman, which was a large encampment."); Defs.' Ex. 12, Affidavit of Sgt. Cameron Crockett at ¶¶ 9–10 ("On Thursday, October 24, 2024, I went to a different area, at Claiborne and Canal Street, under Interstate 10 and helped escort the residents on the golf cart. Their possessions were put into the back of trucks belonging to Wildlife and Fisheries. The residents were brought to the new relocation area. . . . We then went to an area around the down ramp off of Poydras and helped move several people.").

106. Defendants ignored residents who tried to communicate that the property they were seizing and destroying belonged to people who were away at work.<sup>59</sup>

107. Petitioners' personal property is not contraband nor an immediate hazard to health and safety.

108. Defendants did not obtain a warrant prior to confiscating Petitioners' property.

109. Defendants made no attempts to save items that belonged to Petitioners and made no offer to store their property. Instead, Defendants seized and destroyed their personal property.

6. Defendants relocated Petitioners to a state-sanctioned encampment that posed numerous health and safety concerns.

110. Defendants relocated Petitioners into confinement in an area owned by Defendant DOTD off Earhart Boulevard between Freret Street and Magnolia Street (the "state sanctioned encampment").<sup>60</sup>

111. Defendants relocated some individuals to the state-sanctioned encampment under threat of arrest.<sup>61</sup>

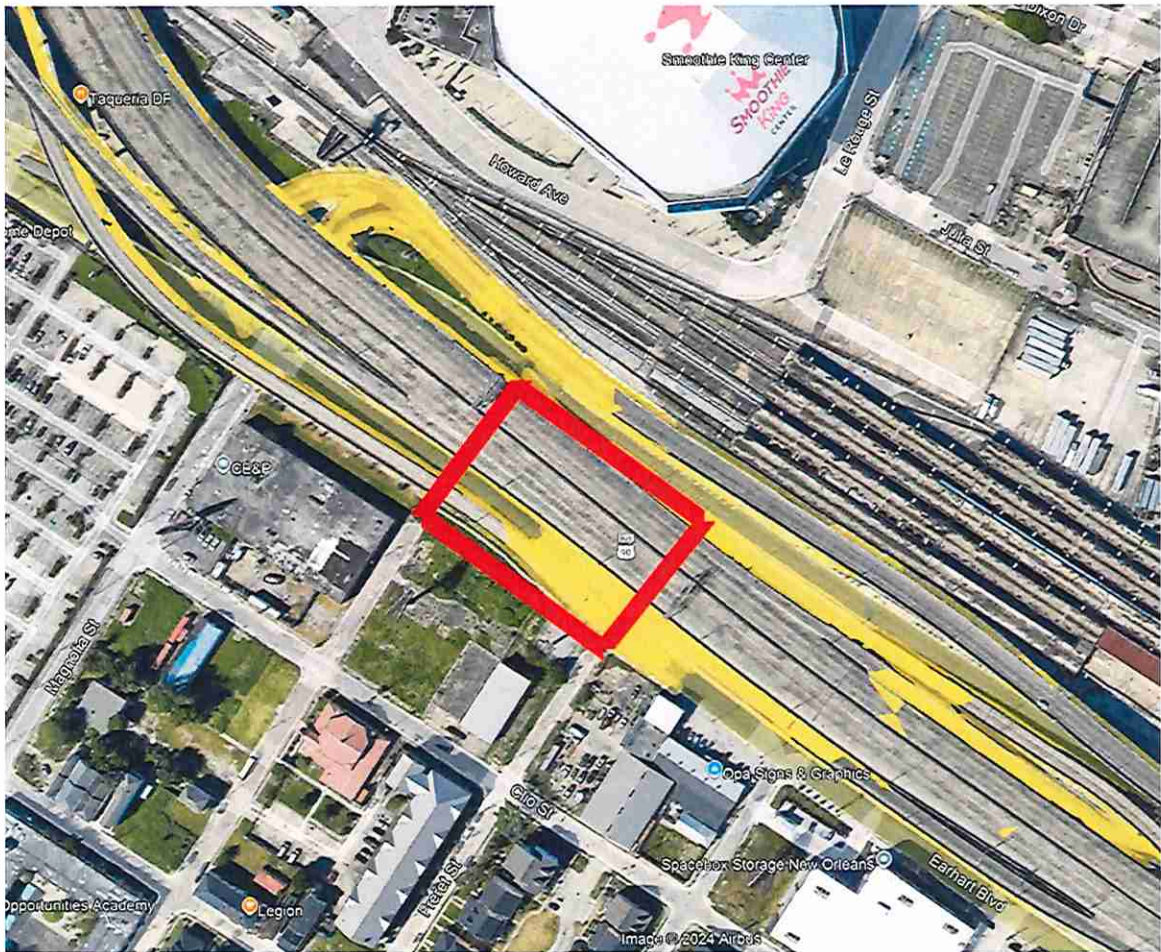
112. The area of the state-sanctioned encampment is outlined here:

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<sup>59</sup> Ex. D, Oct. 24, 2024, Affidavit of Eli Johnson, at ¶ 16.

<sup>60</sup> See, e.g., Ex. A, Oct. 24, 2024, Affidavit of Raymond Scott at ¶ 20–22.

<sup>61</sup> See, e.g., Ex. D, Oct. 24, 2024, Affidavit of Eli Johnson at ¶ 13.



113. Individuals in the state-sanctioned encampment have been told they cannot return to the locations of their prior encampments.<sup>62</sup>

114. The state-sanctioned encampment is less visible from the highway and farther away from life-saving services and providers, where homeless people can shower and eat.<sup>63</sup>

115. The state-sanctioned encampment, a two-block area near the Home Depot,<sup>64</sup> was established in an area that is known to be a gathering place for drug use, causing health and safety concerns. Typically, there are approximately a dozen individuals present in this area. As of the drafting of this Petition, that number is estimated at 100 individuals.<sup>65</sup>

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<sup>62</sup> Ex. C, Affidavit of John Jacobsen, Jr. at ¶ 6; Ex. B, Affidavit of Amanda Alfred at ¶ 9.

<sup>63</sup> *See, e.g.*, Ex. J, Affidavit of Angela Owczarek at ¶¶ 16–17.

<sup>64</sup> *See, e.g.*, Ex. D, Oct. 24, 2024, Affidavit of Eli Johnson at ¶ 21 n.1 (“The Sanctioned State Encampment is located in the two-blocks between Magnolia Street and Freret Street, where they intersect with Earhart Blvd. / Calliope Street under the US-90 overpass.”); Ex. E, Affidavit of Alison Poort at ¶ 23 (LSP Troop NOLA officer describing the site as “near Home Depot”).

<sup>65</sup> *See, e.g.*, Ex. A, Oct. 24, 2024, Affidavit of Raymond Scott at ¶ 22–23; Ex. B, Affidavit of Amanda Alfred at ¶ 11.

116. The State’s efforts to evict, displace, concentrate, and otherwise segregate all the residents of homeless encampments located on state-owned property in areas near the Superdome raises significant health and safety concerns for Petitioners.

117. Nathaniel Fields, the City’s director of homeless services, said cramped conditions there could become dangerous and unsanitary.<sup>66</sup> Officials have raised repeated concerns in recent days that people will not choose to live in closer quarters at the state-sanctioned encampment but will instead scatter to other locations in the City, 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.”<sup>67</sup>

118. According to legal observer Johnson, the state-sanctioned encampment poses dangers to residents, as it is an area near an active construction site, is vulnerable to flooding, and “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.”<sup>68</sup>

119. He further stated that the “State Sanctioned Encampment is also located in the dirtiest part of the overpass that is not even cement anymore.”<sup>69</sup>

120. Ms. Poort reported that she “visited the new sanctioned encampment and noticed it lacked trash cans, port-a-potties, hand washing stations, or water.”<sup>70</sup>

121. She said 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.”<sup>71</sup>

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<sup>66</sup>Sophie Kasakove, *Jeff Landry sweeps more downtown New Orleans homeless camps over city's objections*, Advocate (Oct. 24, 2024), <https://tinyurl.com/4txnh325>.

<sup>67</sup>*Id.*

<sup>68</sup> Ex. D, Oct. 24, 2024, Affidavit of Eli Johnson at ¶¶ 45–48.

<sup>69</sup> *Id.* at ¶ 49.

<sup>70</sup> Ex. E, Affidavit of Alison Poort at ¶ 15.

<sup>71</sup> *Id.* at ¶ 29.

122. 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.”<sup>72</sup>

123. The state-sanctioned encampment was “so crowded that tents were almost on top of each other.”<sup>73</sup>

124. Petitioner Alfred is afraid for her safety at the state-sanctioned encampment in the confinement area because of the overcrowding.<sup>74</sup>

125. As of the morning of November 25, 2024, Petitioners no longer resided at the state-sanctioned encampment out of fear for their safety.<sup>75</sup>

126. Petitioners are currently homeless and fear the loss of property and liberty during the State’s continued actions in upcoming Superdome sweeps.

**C. Phase 2: The November 25, 2024, Bayou Classic Sweep.**

127. On November 12, 2024, Defendants told the Court that Petitioner’s request for a preliminary injunction was moot because “there is nothing to enjoin” and “the operation is over.”

128. However, subsequent to that hearing, Counsel for Defendants LSP and DFW learned that on November 21, 2024, “a new operation was being contemplated in other areas of the city that would potentially involve relocating people from those areas.”<sup>76</sup>

129. Counsel “was asked to and did help draft” the flyer that told unhoused people that their “presence is considered a violation” and that sweeps would occur at some unspecified future date and time.<sup>77</sup>

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<sup>72</sup> Ex. A, Oct. 24, 2024, Affidavit of Raymond Scott at ¶ 22.

<sup>73</sup> Ex. I, Affidavit of Angela Owczarek at ¶ 18.

<sup>74</sup> Ex. B, Affidavit of Amanda Alfred at ¶ 11.

<sup>75</sup> See Ex. L, Nov. 24, 2024, Affidavit of Raymond Scott at ¶ 5.

<sup>76</sup> Ex. M, Correspondence from Carey Jones to William Most, dated November 22, 2024.

<sup>77</sup> *Id.*



130. Defendants intend to conduct the next phase of their Superdome sweeps campaign, starting on November 25, 2024, ahead of the Bayou Classic, during which the Superdome will host a football game on November 30, 2024.

131. On November 14, 2024, Governor Landry posted on X (formerly known as Twitter) that “[t]he State stands willing to offer any assistance if necessary” to the City of New Orleans in “finish[ing] the removal of the Calliope encampment before Thanksgiving.”<sup>78</sup>

132. Between Friday, November 22, 2024, and Sunday November 24, 2024, LSP Troop NOLA officers handed out flyers with a “Notice to Vacate” to unhoused individuals.<sup>79</sup> Some of the officers were the same as those that were present during the October 23 and 24 Taylor Swift sweep of areas around the intersection of Canal St. and Claiborne Ave., Poydras street,<sup>80</sup> and areas of the French Quarter.<sup>81</sup>

133. The flyers stated: “be advised that you are hereby notified to vacate this location within 24 HRS, as your presence is considered a violation.”

134. Defendants handed out the flyers, which were undated and did not specify when the 24-hour period would begin or end, to people in parks and encampments in the French Quarter and other areas located away from highways but did not post the flyers.

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<sup>78</sup> Governor Jeff Landry (@LAGovJeffLandry), X, Nov. 14, 2024, 10:05 a.m. (<https://x.com/LAGovJeffLandry/status/1857092395067703428>) (emphasis added); *see also* Erin Lowrey, “New Orleans set to clear Calliope homeless encampment by Thanksgiving, governor says,” WDSU (Nov, 14, 2024), *available at* <https://www.wdsu.com/article/new-orleans-homeless-encampment-thanksgiving/62908514>.

<sup>79</sup> Ex. J, Nov. 24, 2024, Affidavit of Eli Johnson at ¶ 7.

<sup>80</sup> *Id.* at ¶ 8.

<sup>81</sup> Ex. K, Affidavit of Trevis Fisher at ¶ 10.

# NOTICE TO VACATE

Please be advised that you are hereby notified to vacate this location within 24 HRS. as your presence is considered a violation. Failure to comply with this notice may result in further legal action. Please see the below resources for assistance.

## Resources

### Domestic Violence Resources

- 2229 Pflieger St. St. Louis
- 4041 Maple
- 2121 Martin Luther King Blvd. St. Louis, MO
- New Orleans Museum 1300 Dr. Huey Poin Dr. New Orleans, LA
- Love, Honor & Shelter 1514 Gravel Street St. Louis, MO
- New Orleans Women of Color Center 2020 S. Liberty St. St. Louis, MO
- New Orleans Family Justice Center 705 Loyola Ave. St. Louis, MO
- Domestic Violence
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### Domestic Violence Resources

- Central City Behavioral Health 2223 Pflieger St. St. Louis, MO
- Home Care for the Homeless (Central City) 2122 Seminole Blvd. Ave. 2nd floor St. Louis, MO
- Homeless for the Homeless (Central City) 2122 Seminole Blvd. Ave. 2nd floor St. Louis, MO
- Homeless for the Homeless (Central City) 2122 Seminole Blvd. Ave. 2nd floor St. Louis, MO
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- Homeless for the Homeless (Central City) 2122 Seminole Blvd. Ave. 2nd floor St. Louis, MO

## ENCAMPMENT SITE



For those who do not comply with the notice to move, you may be assisted in relocating to an encampment at another site.

The encampment will be under US 905 between S Robertson St. and Freret St. with Reverend John Raphael Jr. Way as the overflow point and final demarcation line.

# NOTICE TO VACATE

Please be advised that you are hereby notified to vacate this location within 24 HRS, as your presence is considered a violation. Failure to comply with this notice may result in further legal action. Please see the below resources for assistance.

## Resources

### EMERGENCY SHELTERS

Ozanam Inn  
2239 Poydras St. 9am-4pm  
Everyday

Hotel Hope  
3923 Martin Luther King Blvd. 504-821-7773

New Orleans Mission  
1130 OC Haley Blvd  
Open 24 hours

Low Barrier Shelter  
1530 Gravier Street  
M-F 7:30am-3pm

New Orleans Women & Children Shelter  
2020 S. Liberty St.  
504-527-9340

New Orleans Family Justice Center  
701 Loyola Ave  
M-F 8:30am-4pm

Covenant House  
611 N. Rampart St.  
Open 24 hours

Salvation Army  
4500 S. Claiborne Ave. 504-899-4569

### RESOURCE CENTERS

Mission Rebirth  
1615 Poydras St.  
M-F 9am-4pm

Rebuild Center  
1803 Gravier St.  
M-F 8:30am-12pm

Unity of Greater New Orleans  
2407 Baronne St.  
M-F 9am-4:30pm

Goodwill Industries of Southeast Louisiana  
3400 Tulane Ave.  
M,Tu,W,Th,Sa 9am-8pm Su 10am-6pm

Travelers Aid  
1530 Gravier St.  
M-F 7:30am-3pm

Southeast Louisiana Legal Services  
1340 Poydras St  
M-F 8:30am-5pm

Ozanam Inn  
2239 Poydras St.  
9am-4pm Everyday

Depaul Community Health Center  
5630 Read Blvd  
504-248-5357

Broadmoor Improvement Association  
3900 General Taylor St.  
M,Tu,W,Th 9am-9pm F 12am-9pm Sa 9am-2pm

Hagar's House  
3401 Canal St.  
504-210-5064

Grace at the Greenlight  
1526 OC Haley Blvd  
6:30am-7:30am Everyday

### HEALTH CARE

Central City Behavioral health  
2221 Phillip St.  
M-F 8am-4:30pm

Healthcare for the Homeless (Central City)  
2222 Simon Bolivar Ave; 2nd floor  
M-F 8am-4pm

Healthcare for the Homeless (Downtown)  
1530 Gravier St. (CRRC)  
M-F 7:30-3:30pm

Crecent Care  
1631 Elysian Fields Ave.  
M, F 8:30am-5pm W, Th 8:30am-6pm Tu 8:30am-8pm

Healthcare for the Homeless (West Bank)  
1111 Newton St.  
M-F 8am-4pm

Crecent City Pharmacy  
2240 Simon Bolivar Ave.  
M-F 8am-5:30pm

### FOOD

Rebuild Center  
1803 Gravier St.  
Snacks M-F 9am-9:30am Lunch M-F 1pm-1:30pm

Ozanam Inn  
2239 Poydras St.  
daily starting at 6:00am

Giving Hope Nola  
13040 I-10 Service Road  
Tu-F 11am-3pm

Grace at the Greenlight  
1526 OC Haley Blvd  
Breakfast daily 6:30am-7:30am

## ENCAMPMENT SITE



For those who do not comply with the notice to move, you may be assisted in relocating to an encampment at another site.

The encampment will be under US 90B between S Robertson St. and Freret St. with Reverend John Raphael Jr. Way as the overflow point and final demarcation line

### 1. Impacts on residents

135. Ahead of the Bayou Classic sweep, Defendants handed out flyers to residents of the French Quarter who have nowhere else to go.

136. Trevis G. Fisher is a resident of the French Quarter who stays near Latrobe Park and has lived on the streets of New Orleans for 7.5 years.<sup>82</sup>

137. On Friday, November 22, 2024, at approximately 11 am, Mr. Fisher was standing at the corner of Ursulines Avenue and Decatur Street near a handmade drum set and a shopping cart.<sup>83</sup> He saw LSP Troop NOLA officers and two cruisers arrive at the area around Latrobe Park.<sup>84</sup> They handed him a flier and told him he needed to leave the area before Monday, November 25, 2024, but did not specify by when on Monday he needed to leave.<sup>85</sup>

138. On Sunday, November 24, 2024, at around 8:30 or 9 am, Mr. Fisher saw two LSP Troop NOLA officers again handing out flyers around Latrobe Park.<sup>86</sup>

139. He recognized one of the officers as one of those present near Latrobe Park at the Taylor Swift sweep, when approximately five LSP officers told residents near Latrobe Park that they needed to leave.<sup>87</sup> During the Taylor Swift sweep, LSP Troop NOLA officers told Mr. Fisher that he could either have his things taken to the encampment or thrown away, and they threatened to arrest him if he did not leave.<sup>88</sup>

140. Mr. Fisher has not seen a flier or any other notice about the sweep scheduled for November 25, 2024, posted in any area of the French Quarter.<sup>89</sup>

## 2. The State's Flyer is constitutionally inadequate.

141. The State continues to provide inadequate notice through these flyers.

142. The flyer was handed out to individuals at random in various locations but was not posted anywhere prior to the planned Bayou Classic sweep.<sup>90</sup>

143. The flyer is undated and does not specify when the 24-hour period begins or ends.

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<sup>82</sup> Ex. K, Affidavit of Trevis Fisher at ¶¶ 1–5.

<sup>83</sup> *Id.* at ¶¶ 8–9.

<sup>84</sup> *Id.* at ¶ 8.

<sup>85</sup> *Id.* at ¶ 9.

<sup>86</sup> *Id.* at ¶ 10.

<sup>87</sup> *Id.* at ¶¶ 5, 10

<sup>88</sup> *Id.* at 7.

<sup>89</sup> *Id.* at ¶ 11.

<sup>90</sup> *See* Ex. J, Nov. 24, 2024, Affidavit of Eli Johnson at ¶ 11.

144. The flyer contains no information to identify which government agency issued the flyer nor is there any contact information for the issuing agency.

145. The flyer does not state what law people are violating by their mere “presence” and the specific geographic location where the alleged violation is occurring. The flyer threatens further unspecified “legal action” if persons fail to comply.

146. The flyer does not state what date or time the sweep will be.

147. The flyer fails to inform people of what the State intends to do with personal property that is unattended or not removed within 24 hours.

148. The flyer does not provide notice of a judicial process, or any procedures that the State intends to use for removal and storage to allow people to reclaim their personal effects.

149. The flyer directs people to a single location where they are directed to relocate under US 90B between S Robertson Street and Freret Street, with Reverend John Raphael Jr. Way as the overflow point and final demarcation line.

150. This new relocation area (S. Robertson Street to Reverend John Raphael Jr. Way) appears to create a second state-sanctioned encampment by one block from the state-sanctioned encampment designated during the Taylor Swift sweep (Magnolia Street to Freret Street).

151. The flyer contains a list of emergency shelters, food, and healthcare services, but no efforts were made by State officials to connect people to housing or other assistance. The flyer states that if people do not comply with the order to move, they “may be assisted in relocating to an encampment at another site.”

152. The flyer continues to indicate that the State intends to seize persons’ liberty and property for the purposes of evicting, displacing, and segregating them into a state-sanctioned encampment. The State continues its unlawful campaign of Superdome sweeps without providing adequate notice or procedures to safeguard against unlawful deprivations of liberty and property.

3. Defendants’ actions are inconsistent with their earlier stated rationale of increasing safety.

153. With respect to the Taylor Swift sweep, DOTD Secretary Donahue swore in his affidavit supporting Defendants’ Opposition to Plaintiffs’ Preliminary Injunction that the

motivation for the sweeps stemmed from November 2023 FHWA guidance on removing fire hazards beneath or adjacent to bridges and overpasses.<sup>91</sup>

154. Even if the removal of potential fire hazards was part of the Secretary's justification for the Taylor Swift sweep, this is not a reasonable justification for the lack of notice for the eviction and the destruction of personal property that occurred here. Neither Petitioners nor their personal property constituted an immediate hazard that excused the suspension of constitutionally required procedures.

155. Secretary Donahue's justification is also contradictory to the State's latest actions with respect to the Bayou Classic sweep, which involve directing people currently located away from highways (e.g., in the French Quarter) to the state-sanctioned encampment under a bridge.

**D. Upcoming Phases: The State's ongoing campaign of Superdome sweeps.**

156. An affidavit from Secretary Donahue's subordinate, DOTD District Engineer Administrator Scott Boyle, provided a different rationale for the sweeps: "New Orleans had large public events scheduled, including a multi-day Taylor Swift concert and Superbowl LIX, and the homeless encampments on DOTD property were considered to present a potential risk to the general public and to the people gathered in the encampments."<sup>92</sup>

157. A spokesperson for the Governor stated in comments widely circulated in the press that "Governor Landry understands the number one issue facing the city of New Orleans right now is the homelessness crisis, and he is working with LSP and local officials to fix this problem. As we prepare for the city to host Taylor Swift and Super Bowl LIX, we are committed to ensuring New Orleans puts its best foot forward when on the world stage."<sup>93</sup>

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<sup>91</sup> Defs.' Ex. 28, Affidavit of Secretary Terrence J. Donahue, Jr. ¶¶ 7–12

<sup>92</sup> Defs.' Ex. 27, Affidavit of Scott Boyle at ¶ 11 (emphasis added).

<sup>93</sup> See, e.g., Stephen Sorace, "Louisiana governor forces New Orleans homeless encampment to move ahead of Taylor Swift shows," Fox News (Oct. 24, 2024), *available at* <https://www.foxnews.com/us/louisiana-governor-forces-new-orleans-homeless-encampment-move-ahead-taylor-swift-shows> (emphasis added); Erin Lowrey, "New Orleans residents form protest outside Taylor Swift concert due to homeless sweeps," WDSU (Oct. 26, 2024), *available at* <https://www.wdsu.com/article/new-orleans-protest-homeless-taylor-swift-concert/62725615>.

158. City Council member Lesli Harris, who represents the district where the Superdome is located, confirmed in a statement to the press that the State had been working with the City “to close the encampment ahead of the city’s hosting the Super Bowl in February.”<sup>94</sup>

159. The plans discussed publicly for an ongoing operation are contrary to the State’s representations to Petitioners and to this Court that “the operation is over.”

160. The State plans to continue its campaign of Superdome sweeps over the next few months, as the venue will host a series of upcoming events following the Taylor Swift concerts and the Bayou Classic, including the Sugar Bowl on January 1, 2025, and the Super Bowl on February 8, 2025.

161. Petitioners have suffered harm and are expected to suffer additional irreparable harm as a result of the State’s actions and publicly stated intent to continue to carry out a campaign of Superdome sweeps through at least the Super Bowl. The Superdome will also host future events through March 2025, including Mardi Gras events.

162. The past and threatened loss of Petitioners’ personal belongings threatens the already precarious existence of homeless individuals. The personal property of persons experiencing homelessness is often everything they own. The State seized and destroyed necessities of life, including medications, clothing, bedding, and irreplaceable personal belongings. Such a loss is harmful for any person but is particularly devastating for persons experiencing homelessness.

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

164. Petitioners do not have an adequate remedy at law. Absent intervention by this Court, Petitioners will continue to suffer irreparable harm with each phase of Defendants’ Superdome sweep operation.

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<sup>94</sup> Doha Madani and Austin Mullen, “Louisiana forces relocation of homeless camp before Taylor Swift’s New Orleans shows,” NBC News (Oct. 24, 2024), *available at* <https://www.nbcnews.com/news/us-news/forced-relocation-homeless-taylor-swift-new-orleans-rcna177090> (emphasis added).

**E. The Superdome sweeps are interfering with the City's efforts to house encampment residents.**

165. The conducted and threatened Superdome sweeps have caused serious disruptions for the residents and the government of New Orleans.

166. 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."<sup>95</sup>

167. The City ordinance for removal of encampments requires that notice be provided both before and after removal of personal property and camp closures that includes information for an outreach provider that can provide shelter alternatives.

168. Evidence-based practices for closure of homeless encampments require implementing the process in a humane and trauma-informed way with a goal to connect every person to housing and services so that they can overcome and avoid future experiences of homelessness.

169. The State made no effort to connect residents of the encampments to services and instead impeded ongoing efforts by the City and local non-profits to connect those residents to housing.

170. Before the State's Taylor Swift sweep, the City was currently underway in working to relocate those living near Calliope and on the streets of the French Quarter.<sup>96</sup>

171. Fields asked state officials to postpone any new sweeps and work with the city on long-term housing solutions.<sup>97</sup>

172. He said, "what we are asking you not to do is to push them along and interfere with what we're doing."<sup>98</sup>

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<sup>95</sup>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>).

<sup>96</sup>"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>).

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*



173. “Do not sweep this encampment or other encampments,” Fields said. “It is not helping the process. It is causing more trauma than good.”<sup>99</sup>

174. 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.”<sup>100</sup>

175. “It’s very important that the state not be working at cross purposes with itself,” Kegel said.<sup>101</sup>

176. No Petitioner has been charged with a crime.

177. Neither Petitioners nor their personal property created or sustained any immediate hazard to public health or safety leading up to the Taylor Swift sweep.

178. Taylor Swift publicly announced her tour dates for New Orleans on August 3, 2023,<sup>102</sup> more than a year prior to the State’s Taylor Swift sweep.

179. The State had ample time to provide adequate notice to residents of the homeless camps prior to taking any action to evict residents or remove their personal property and dispose of it in the trash. The State’s actions were not reasonable under the circumstances, nor was there an immediate hazard that justified the State’s actions.

### **CLAIMS FOR INJUNCTIVE RELIEF**

180. Petitioners reallege and incorporate by reference the allegations in paragraphs 1–179 as if set forth fully below and assert the following Causes of Action, plead in the alternative where appropriate, against all Defendants.

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<sup>99</sup> 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/>).

<sup>100</sup> Bloom, *supra* (<https://www.wvno.org/local-regional-news/2024-10-23/state-police-plan-to-clear-new-orleans-homeless-encampment-sparks-outcry>).

<sup>101</sup> Fernelius, *supra*, (<https://lailluminator.com/2024/10/24/homeless-sweep/>).

<sup>102</sup> See Sarah Lawrence, “Taylor Swift announces new dates for Eras tour including three New Orleans shows in 2024,” WBRZ2, *available at* <https://www.wbrz.com/news/taylor-swift-announces-new-dates-for-eras-tour-including-three-new-orleans-shows-in-2024/>.

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

181. 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.

182. 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 (1984).

183. 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).

184. 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 (1992) (“[A]n officer who happens to come across an individual’s property in a public area could seize it only if Fourth Amendment standards are satisfied . . . [.]”).

185. A warrantless seizure is per se unreasonable. The government bears the burden of showing an exception to the warrant requirement when exigent circumstances exist.

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

187. Petitioners’ personal property that was temporarily unattended when the State was conducting the Taylor Swift sweep was not abandoned and was reasonably identifiable as personal belongings of homeless residents of the encampments.

188. Defendants meaningfully interfered with Petitioners’ possessory interests and seized and destroyed their property in violation of their Fourth Amendment rights.

189. Defendants’ actions in evicting, displacing, and forcing people to state-sanctioned encampments results in an unlawful seizure of their liberty, and would cause a reasonable person to believe that they are not free to move to other areas in the City under threat of arrest.

## **II. Violations of the Due Process Clause of the Fourteenth Amendment of the United States Constitution**

190. 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.

191. 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).

192. 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.

193. The government must provide adequate notice before it deprives someone of their property. *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950). Notice must be “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Id.* at 314.

194. Notice must be “tailored to the capacities and circumstances of those” relying on the notice. *Goldberg v. Kelly*, 397 U.S. 254, 268–69 (1970). In this case, that means tailored to the capacities and circumstances of the homeless population including a significant number of persons with disabilities.

195. “In the context of the collection or destruction of the possessions of people experiencing homelessness that are left unattended in a public space, courts have found that minimally, the [state] must provide advance notice and a meaningful way to collect the property.” *Phillips v. City of Cincinnati*, 479 F. Supp. 3d 611, 646 (S.D. Ohio 2020).

196. The State’s failure to provide sufficient notice, and its provision of inaccurate or misleading notice, of the Superdome sweeps is inadequate process.

197. Providing 30 minutes notice to some of the residents of the encampments is not sufficient time for an eviction of an encampment to allow people the opportunity to remove their

personal property and relocate to another place. This is inadequate notice that is not provided at a meaningful time and in a meaningful manner and is not reasonable under the circumstances. Similarly, the undated flyer Defendants provided to unhoused people in the lead-up to the Bayou Classic Sweep is insufficient notice. The flyer is undated and does not specify when the 24-hour period begins or ends. The vagueness of the “notice” fails to provide people with a reasonable opportunity to move their belongings, does not state what law people are violating by their “presence,” provides no specific geographic location where the alleged violation is occurring, and threatens further unspecified “legal action” if persons fail to comply. Furthermore, the “notice to vacate” fails to inform people of what the Defendants intend to do with personal property that is not moved within 24 hours. Nor does the flyer provide notice of judicial process or any procedure for challenging the seizure and removal of personal property. The flyer does not inform people if seized property will be stored and, if so, how it can be reclaimed.

198. Here, Petitioners have a private interest in the form of their personal property that was or will be seized and destroyed by Defendants’ campaign of Superdome sweeps. There is a risk of erroneous deprivation due to Defendants’ failure to provide adequate notice to allow Petitioners to relocate and to make reasonable efforts to safeguard and remove their personal property. Defendants provided no process for Petitioners to contest the deprivation of their personal property during the Taylor Swift sweep, and Defendants failed to store the property or provide mechanisms to retrieve the property of Petitioners. The procedures used by the State instead resulted in a permanent and irrevocable deprivation of Petitioners’ constitutionally protected property interests. The State continued to use constitutionally inadequate notice, as evidenced by its flyer that includes no information about any process that will be provided to safeguard personal belongings of encampment residents.

199. The fiscal and administrative burden of providing constitutionally required procedures is minimal. For example, the State could simply follow procedures like the bare minimum procedures set forth in the city’s ordinance, requiring notice prior to and after encampment removals, storage and mechanisms through which Petitioners can recover their property, and documentation of those efforts. Defendants could also refrain from providing false

or contradictory notice to residents, by representing that a sweep would take place at a certain time and in certain areas but then conducting the sweep earlier and in other areas.<sup>103</sup>

200. And finally, the government's interest is insignificant, as it is not related to any immediate hazard but a vague effort to ensure that "New Orleans puts its best foot forward when on the world stage."<sup>104</sup> In terms of value and burden of additional procedures, there is limited fiscal or administrative burden on Defendants to follow reasonable notice, property storage and retrieval procedures, and documentation of the kind that are set forth in City's ordinance to prevent a substantial likelihood of erroneous deprivations of property.

201. Petitioners were not afforded due process as required under the Fourteenth Amendment and have suffered irreparable harm as a result.

202. The state cannot simply declare a person's "presence" to be a "violation." Defendants' actions to displace, evict, and force Petitioners and others similarly situated into state-sanctioned encampments without an underlying violation of law or judicial process is an arbitrary deprivation of their constitutionally protected liberty interest without due process of law.

### **III. Violations of Petitioners' Property Rights under the Louisiana Constitution (La. Const. Art. I § 4)**

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

204. 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).

205. 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).

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

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<sup>103</sup> See, e.g., Ex. D, Oct. 24, 2024, Affidavit of Eli Johnson at ¶ 12; Ex. E, Affidavit of Alison Poort at ¶¶ 9, 12, 14, 16; Ex. G, Affidavit of Anthony Howard at ¶ 7–8.

<sup>104</sup> Limehouse, *supra* (<https://www.usatoday.com/story/news/nation/2024/10/23/taylor-swift-new-orleans-eras-tour/75808764007/>).

207. Even if Defendants were to claim that any property seized was done so in connection with criminal activity, which Petitioners deny, Defendants have failed to adhere to the civil forfeiture process to destroy or indefinitely hold the seized property. La. Rev. Stat. § 15:41.

208. Furthermore, violation of a law “does not vitiate the Fourth Amendment’s protection of one’s property.” *Lavan v. City of Los Angeles*, 693 F.3d 1022, 1029 (9th Cir. 2012). “Were it otherwise, the government could seize and destroy any illegally parked car or unlawfully unattended dog without implicating the Fourth Amendment.” *Id.*

209. Here, Defendants seized Petitioners’ personal property without any compensation.

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

211. 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).

212. None of the public purposes apply 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)**

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

214. 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.

215. 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 their belongings and leave, or else their property would be destroyed.

216. Defendants did this despite the fact that there was no immediate hazard and the State had ample time to provide required adequate notice prior to evicting Petitioners and removing their personal property. The State could have instead followed, at a bare minimum, the procedures set forth in the City’s ordinance, requiring 24-hour notice of any sweep on public property, including specific information about how to handle and store seized property and to document compliance with these requirements. *See* Art. XII, Ch. 82 of the Code of the City of New Orleans.

#### **MOTION FOR TEMPORARY RESTRAINING ORDER**

217. 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 and seizing and destroying their personal property, as described in this Petition.

218. 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 Civ. Proc. art. 3603.

219. There is an obvious risk of irreparable harm as well as danger to the safety of Petitioners in the event that a Temporary Restraining Order is not granted pending a Preliminary Injunction hearing. Specifically, Petitioners will be deprived of their constitutional right to adequate notice, and their property will be destroyed through Defendants' imminent Superdome sweep leading up to and during the Bayou Classic that will be held at the venue on November 29, 2024, for which the State has already begun distributing threatening flyers warning residents of the impending sweep.<sup>105</sup>

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

221. With regard to the security bond required under La. Code Civ. Proc. art 3610, Petitioners respectfully request that the security bond previously paid to the registry of the Court be applied to Petitioners' new request for a Temporary Restraining Order, which is required as a result of Defendants' actions. Petitioners are indigent and unhoused and the strong public interest in ensuring that state agencies follow the law. Petitioners should not be required to put up an additional burdensome bond to force Defendants to follow the laws of Louisiana, the U.S. Constitution, and the Judgment of this Court.

## V. REQUESTED RELIEF

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

1. A temporary restraining order and permanent injunction ordering Defendants to:

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<sup>105</sup> In seeking a prohibitory preliminary injunction, a showing of irreparable injury is not required. See *Randazzo v. Imbraguglio*, 2021-0679 (La. App. 4 Cir. 5/25/22), 343 So. 3d 852, 862. Petitioners need only "make a prima facie showing that the conduct sought to be restrained is unconstitutional or unlawful, i.e., it constitutes a direct violation of a prohibitory law and/or a violation of a constitutional right." *Id.*

- i. Not destroy or dispose of the property of unhoused people without judicial process;
  - ii. Not evict, displace, or relocate unhoused people as required without providing adequate notice as dictated by the circumstances; and
  - iii. Not seize the personal property of unhoused people without providing, at a minimum, the post-sweep remedial procedures for notice and storage, documentation, and recovery of property set forth in the New Orleans municipal ordinance, *See* Code of the City of New Orleans, Art. XII, §§ 82-698–82-703.
- 2. A permanent injunction ordering Defendants to:
  - a. Stop their campaign of Superdome sweeps unless and until the State develops and follows constitutionally adequate procedures to protect the liberty and property of homeless residents of encampments located near the Superdome that includes:
    - i. Not destroying or disposing of the personal property of unhoused people without judicial process;
    - ii. Not evicting, displacing, or relocating unhoused people without providing adequate notice as required by the U.S. and Louisiana Constitutions; and
    - iii. Not seizing the personal property of unhoused people without providing adequate procedures to safeguard that property, including storage, notice, and retrieval procedures, and/or judicial process;
- 3. Attorneys fees and expenses; and
- 4. Any other relief equitable under the law.

223. 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.

Dated: November 25, 2024.

Respectfully submitted,

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Most & Associates  
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T: 504-509-5023  
E: williammost@gmail.com

**Exhibits:**

A: Affidavit of Petitioner Raymond Scott (Oct. 24, 2024)  
B: Affidavit of Petitioner Amanda Alfred  
C: Affidavit of John Jacobsen, Jr.  
D: Affidavit of Eli Johnson (Oct. 24, 2024)  
E: Affidavit of Alison Poort  
F: Affidavit of Anthony Booth, Jr.  
G: Affidavit of Anthony Howard  
H: Affidavit of James Hooker  
I: Affidavit of Angela Owczarek  
J: Affidavit of Eli Johnson (Nov. 24, 2024)  
K: Affidavit of Trevis Fisher  
L: Affidavit of Petitioner Raymond Scott (Nov. 24, 2024)  
M: Correspondence from Carey Jones to William Most, dated November 22, 2024.

**Please Serve:**

Defendants Louisiana State Police and Louisiana Department of Wildlife and Fisheries  
*through their counsel*

Carey T. Jones, La. Bar No. 07474  
Amanda M. LaGroue, La. Bar No. 35509  
Olivia G. Boudreaux, La. Bar No. 38677  
Louisiana Attorney General's Office  
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E: BoudreauxO@ag.louisiana.gov

Defendant Louisiana Department of Transportation and Development  
*through its counsel*

Cheryl McKinney, La. Bar No. 33084  
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CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CASE NO: 2024-09816

DIVISION: N

SECTION: 8

2024 NOV 25 AM 2:12  
FILED  
CIVIL DISTRICT COURT

RAYMOND SCOTT and AMANDA ALFRED,

Petitioners,

VERSUS

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

Defendants.

ORDER

CONSIDERING the foregoing Emergency Amended 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 security in the amount of \$500 is required. The \$500 provided as security for the prior, now-dissolved Temporary Restraining Order that is currently in the registry of the Court for this matter shall suffice. It shall not be withdrawn prior to the dissolution of this Temporary Restraining Order.

2. Defendants Louisiana State Police, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Transportation and Development shall:

a. Refrain from destroying or disposing of the property of unhoused people without judicial process;

b. Not engage in any sweeps of unhoused people or their encampments without providing, at a bare minimum, the notice set out in Code of the City of New Orleans, Art. XII, § 82-696; and


c. Not seize the property of unhoused people without providing, at a minimum, the post-sweep remedial procedures for notice, storage, documentation, and recovery of property set forth in the New Orleans municipal ordinance, see Code of the City of New Orleans, Art. XII, §§ 82-698-82-703.

3. 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 3rd day of December, 2024, at 9:00 am why a Preliminary Injunction should not be ordered.

VERIFIED

Signed this 25 day of November, 2024, in New Orleans, Louisiana.

FILED  
2024 NOV 25 AM 9:42  
CIVIL DISTRICT COURT

  
JUDGE  
ETHEL SIMMS JULIEN  
JUDGE

Division "N"

**Please Serve:**


Defendants Louisiana State Police and Louisiana Department of Wildlife and Fisheries  
*through their counsel*

Carey T. Jones, La. Bar No. 07474  
Amanda M. LaGroue, La. Bar No. 35509  
Olivia G. Boudreaux, La. Bar No. 38677  
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Defendant Louisiana Department of Transportation and Development  
*through its counsel*

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CLERK OF CIVIL DISTRICT COURT  
PARISH OF ORLEANS, STATE OF LA.  
38

VERIFIED

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 24-9816

DIVISION "N"

SECTION 8

Raymond SCOTT

VERSUS

Louisiana State Police, ETAL

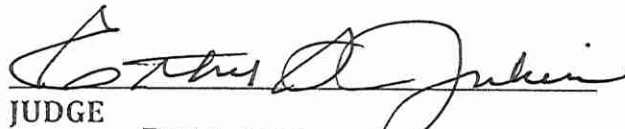
ORDER

This matter will come before the Court for hearing on the 3 day of December, 2024 at 9:00 o'clock a.m. /p.m. on an application for a preliminary injunction and/or a dissolution or modification of a temporary restraining order, and/or dissolution or modification of a preliminary injunction.

**IT IS ORDERED** that the application in this matter is to be heard upon the verified pleadings and/or supporting affidavits. A copy of this order shall be served upon the defendant(s) in conformity with La. C.C.P. article 3609.

**IT IS FURTHER ORDERED** that the applicant for the preliminary injunction file their affidavits no later than seventy-two (72) hours prior to the hearing, and that the defendant(s) in rule file its (their) affidavits not less than twenty-four (24) hours prior to the hearing.

New Orleans, Louisiana this 25 day of November, 2024.



JUDGE

ETHEL SIMMS JULIEN  
JUDGE  
Division "N"

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CLERK OF CIVIL DISTRICT COURT  
PARISH OF ORLEANS, STATE OF LA

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2024 NOV 25 AM 9:44  
CIVIL COURT  
DISTRICT COURT

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CASE NO: 2024-09816

DIVISION: N

SECTION: 8

RAYMOND SCOTT and AMANDA ALFRED,

Petitioners,

VERSUS

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

Defendants.

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:

ANJANA JOSHI

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 counsel for Defendants via email and telephone about our intent to seek a Temporary Restraining Order.

On Friday, November 22, 2024, Petitioners' counsel, William Most, emailed chambers and Defendants' counsel seeking a status conference, in light of flyers Defendants were distributing about an upcoming sweep to be held on Monday, November 25, 2024. However, the Court was unable to schedule a status conference.

On Sunday, November 24, 2024, Petitioners' counsel, Eric Foley, emailed chambers and counsel for Defendants at 8:14 pm, explaining their intent to seek a Temporary Restraining Order the next morning due to Defendants' continued actions in furtherance of the November 25, 2024, sweep. Carey Jones, Counsel for Defendants LSP and DFW responded to that email on Monday, November 25, 2024, at 3:37 am.

On November 25, 2024, Petitioners emailed the Court and counsel for Defendants LSP, DFW, and DOTD, at 8:22 am to let them know that they intended to move to amend the petition and request a temporary restraining order and provided a copy of the pleadings. Mr. Jones responded to that email at 8:25 am. I also called Ms. Cheryl McKinney at 8:32 am before heading to the courthouse. Ms. McKinney was in a meeting, and I spoke with her assistant Barbara and let her know that we had also emailed the pleadings to Ms. McKinney. Petitioners' Counsel, Eric Foley, called the Attorney General's office to speak to Mr. Jones at 8:37 am. Mr. Jones confirmed receipt of the proposed filings and confirmed that he had not yet spoken to his clients.

  
Anjana Joshi

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

  
NOTARY PUBLIC



FILED  
2024 NOV 25 AM 9:14  
CIVIL COURT  
DISTRICT COURT

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CASE NO: 2024-09816

DIVISION: N

SECTION: 8

RAYMOND SCOTT and AMANDA ALFRED,

Petitioners,

VERSUS

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

Defendants.

VERIFICATION OF EMERGENCY AMENDED 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:

ANJANA JOSHI

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

I have read the Emergency Amended Petition for Injunctive Relief and Request for Temporary Restraining Order, which Petitioners Raymond Stott and Amanda Alfred have brought, 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."

*Anjana Joshi*  
Anjana Joshi

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

*[Signature]*  
NOTARY PUBLIC

