

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DONNA LOU, ET AL.	*	CIVIL ACTION NO. 21-80
VERSUS	*	SECTION “D” (2)
SHERIFF JOSEPH P, LOPINTO, III, ET AL.	*	Judge Wendy B. Vitter Magistrate Judge Donna P. Currault

Plaintiffs’ Renewed Motion for Partial Summary Judgment

NOW COME the Plaintiffs, through undersigned counsel, and file this motion for partial summary judgment on their Fourth Amendment claim for unconstitutional search warrants. In support thereof they state:

On January 19, 2020, the minor E.P. died in the custody of Jefferson Parish Sheriff’s Office deputies. The next day, JPSO began seeking criminal search warrants for information about E.P.’s background.

None of the search warrant applications identified any alleged crime. At deposition, JPSO admitted that it did not describe any crime in the warrant applications because it did not suspect any crime.

But criminal search warrants without a crime are forbidden by the Fourth Amendment to the United States Constitution. That amendment bars any warrant from issuing except “upon probable cause” of a crime.

And so JPSO’s admitted use of criminal search warrants without even the suspicion of a crime – much less probable cause – indisputably violates the Fourth Amendment.

JPSO also testified that the use of these search warrants was consistent “with the way Sheriff Lopinto requires that [search warrants] be used.”

For that reason, partial summary judgment should issue on Plaintiffs’ unconstitutional search warrant claim against Sheriff Lopinto in his official capacity.

Plaintiffs previously brought this motion (Doc. 93). This Court denied the motion because it was unclear whether Plaintiffs' complaint brought a Fourth Amendment claim for these violations (Doc. 208). Plaintiffs have now amended their complaint with the Court's permission to make their search warrant claim clear, and so re-bring this motion.

Partial summary judgment should issue on Plaintiffs' Fourth Amendment claim for unconstitutional use of search warrants, against Sheriff Lopinto in his official capacity, regarding the five search warrants for E.P.'s medical and school records, and the one search warrant for Daren Parsa's medical records.

RESPECTFULLY SUBMITTED,

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