

MAR 20 1967

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

A. DALLAM O'BRIEN, JR.

CLERK *Y*

RICHARD B. SOBOL, ET AL	*	
	*	
PLAINTIFFS	*	CIVIL ACTION
	*	
V.	*	NO. 67-243
	*	
LEANDER H. PEREZ, SR., ET AL	*	SECTION "E"
	*	
DEFENDANTS	*	
	*	
* * * * *		

MOTION FOR SUMMARY JUDGMENT

The defendant, Leander H. Perez, Sr., by Sidney W. Provensal, Jr., his attorney, hereby moves the Court to enter summary judgment for said defendant, and in support of said motion, in accordance with the provisions of Rule 56(b) of the Rules of Civil Procedure, the defendant refers this Court to the affidavit of Leander H. Perez, Sr. attached hereto. Said motion being filed on the following grounds:

1. Defendant Leander H. Perez, Sr. is sued as "Chairman of the Plaquemines Parish Commission Council, and as such is chief elected officer of the parish, he has general supervision over law enforcement in Plaquemines Parish". In truth and fact, defendant is not a law enforcement officer of the parish, has no supervision over law enforcement and his office prohibits him from acting in such capacity.
2. There is no controversy existing between the plaintiff and defendant Leander H. Perez, Sr. who took no part in any of the activities alleged by the plaintiff.
3. No relief can be granted to the plaintiff against defendant Leander H. Perez, Sr.

Sidney W. Provensal, Jr.
SIDNEY W. PROVENSAL, JR.
ATTORNEY FOR DEFENDANT
1014 Whitney Building
New Orleans, Louisiana
524-0681

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RICHARD B. SOBOL, ET AL

PLAINTIFFS

V.

LEANDER H. PEREZ, SR., ET AL

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CIVIL ACTION

NO. 67-243

SECTION "E"

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OF FACTS
AFFIDAVIT, IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

STATE OF LOUISIANA,
PARISH OR ORLEANS

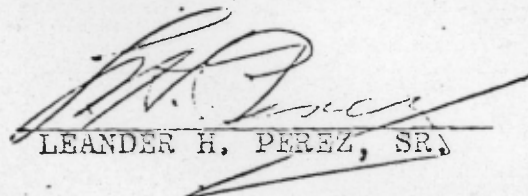
Leander H. Perez, Sr., being duly sworn, deposes and says:

I am the duly elected President of the Plaquemines Parish Commission Council and have personal knowledge of the facts herein set forth.

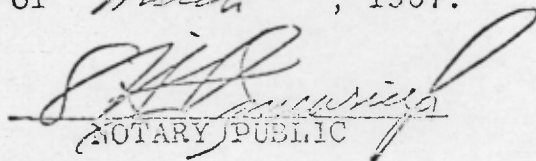
This affidavit is submitted in support of motion for defendant for the purpose of showing that there is in this action no genuine issue as to any material fact and that the defendant is entitled to judgment as a matter of law.

As a member of and as President of the Plaquemines Parish Commission Council, the only position in which I hold in said parish, I do not exercise and cannot exercise any law enforcement functions whatsoever. Section 3(d) of Article XIV as amended by Act 631 of the 1960 Louisiana Legislature, adopted as a Constitutional amendment in November, 1960 and by virtue of Section 1 of Article 1 of the Charter for Local Self-Government for Plaquemines Parish I am prohibited from possessing the powers or exercising the functions of the office of Sheriff. The office of Sheriff is the law enforcement office of Plaquemines Parish. Attached hereto and made part of my affidavit is a certified copy of the Charter for Local Self-Government for Plaquemines Parish, Louisiana.

I have read the contents of the original and amended complaint filed in these proceedings and I had no knowledge nor did I have anything to do with any of the allegations therein contained. In truth and fact, I did not have any knowledge of any proceedings against Richard B. Sobol nor did I have knowledge of his pending arrest nor his arrest until I heard same subsequent thereto. I did not take any part in any of the allegations contained in said complaint.


LEANDER H. PEREZ, SR.

Sworn to and subscribed
before me this 13th day
of March, 1967.


NOTARY PUBLIC