IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

CHUN PING "EDDIE" LAU,	§	**CIVIL ACTION NO.:**
	§	
Plaintiff,	§	**SECTION:**
	§	
v.	§	**DISTRICT JUDGE:**
	§	
LIZ MURRILL, IN HER OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE STATE OF LOUISIANA, DON LANDRY, IN HIS OFFICIAL CAPACITY AS DISTRICT ATTORNEY FOR THE FIFTEENTH JUDICIAL DISTRICT, AND MARK GARBER, IN HIS OFFICIAL AND INDIVIDUAL CAPACITIES AS SHERIFF OF LAFAYETTE PARISH WESLEY VANMIEGHEM, IN HIS INDIVIDUAL CAPACITY; UNIDENTIFIED LPSO DEPUTIES 1–10; AND UNIDENTIFIED INVESTIGATORS 1–3 OF THE LOUISIANA ATTORNEY GENERAL'S BUREAU OF INVESTIGATION,	§	**MAGISTRATE JUDGE:**
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	§	**JURY TRIAL DEMANDED**
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	§	
Defendants	§	

COMPLAINT

NOW INTO COURT, through undersigned counsel, comes Plaintiff, **CHUN PING "EDDIE" LAU** ("Mr. Lau") who respectfully represents as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action brought pursuant to 42 U.S.C. § 1983 and the First, Fourth, and Fourteenth Amendments to the United States Constitution, together with related

supplemental claims under Louisiana law, arising from the unconstitutional, politically motivated arrest, search, and ongoing seizure of property belonging to Mr. Lau.

2. La. Rev. Stat. § 18:1463(C)(1), a portion of Louisiana's election code that has questionable constitutionality, makes it a felony to distribute any statement about a candidate that the speaker "knows or should be reasonably expected to know" is false. By criminalizing negligent falsity in political speech, the statute disregards decades of First Amendment precedent, including the actual-malice standard of *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964), and the Supreme Court's refusal to recognize a general First Amendment exception for false statements in *United States v. Alvarez*, 567 U.S. 709, 718–19 (2012) (plurality opinion).

3. Mr. Lau is the most recent target of this law. Although he has sought resolution, and the return of his property, from the numerous public officers involved, they have refused.

4. In March 2025, officers of the Lafayette Parish Sheriff's Office, working together with investigators from the Louisiana Attorney General's Office, searched Mr. Lau's place of business and home and seized every electronic device they found, including devices belonging to his wife and his minor son, who has a disability.

5. Mr. Lau was arrested because Defendants attributed political communications to him that they believed to be "false" and violative of La. Rev. Stat. § 18:1463(C)(1).

6. Yet nineteen months later, no charge has been filed, Mr. Lau remains in limbo, and his property has not been returned.

7. Defendants returned his wife's devices only after a state court ordered their return, and then only after Mr. Lau unlocked them in the presence of deputies, a condition those deputies imposed on Mr. Lau for return of these devices.

8. The searches and arrest were prompted by, and arose from, political communications made during a contested election and attributed to Mr. Lau in connection with his work as a professional political consultant.

9. Law enforcement acted under La. Rev. Stat. § 18:1463(C)(1), which purports to criminalize the distribution of false statements about candidates. This law provides no meaningful safeguards to protect a speaker and fails to adhere to years of U.S. Supreme Court precedent, including *Alvarez*, 567 U.S. at 718–19 (plurality opinion). The statute imposes felony liability on a negligence standard, below the actual-malice floor the First Amendment requires.

10. Mr. Lau seeks compensatory, nominal, and punitive damages from the officials responsible for his arrest, the search of his place of business and personal residence, and the continued unlawful retention of his property; an order requiring the immediate and unconditional return of all property still in Defendants' custody; and a declaratory judgment that La. Rev. Stat. § 18:1463(C)(1) is unconstitutional, together with preliminary and permanent injunctive relief prohibiting its enforcement against him. Mr. Lau also seeks attorneys' fees, costs, and interest, and all other relief available.

JURISDICTION & VENUE

11. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331, 1343(a)(3), and 1343(a)(4), because this action arises under the Constitution and laws of the United States and is brought under 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the First, Fourth and Fourteenth Amendments.

12. This Court may grant declaratory and further necessary or proper relief under 28 U.S.C. §§ 2201 and 2202.

13. This Court has supplemental jurisdiction over Mr. Lau's state-law claims under 28 U.S.C. § 1367(a), including his claims under Louisiana Civil Code articles 2315 and 2320 and Article I, Sections 5 and 7 of the Louisiana Constitution.

14. Venue is proper in this District and Division under 28 U.S.C. § 1391(b)(1) and (b)(2), because all Defendants reside in Louisiana and, on information and belief, at least one Defendant resides in this District, and because the events giving rise to Mr. Lau's claims occurred in Lafayette Parish, which lies within the Western District of Louisiana, Lafayette Division.

PARTIES

15. **CHUN PING "EDDIE" LAU ("Mr. Lau")** is of suitable age and capacity to file and bring this action. At all times relevant herein, Mr. Lau was a resident of Lafayette Parish which is located in the Western District of Louisiana.

16. **LIZ MURRILL ("MURRILL")** is the duly elected Attorney General of the State of Louisiana. Under the Louisiana Constitution, she is "the chief legal officer of the state" and may, "upon the written request of a district attorney, … advise and assist in the prosecution of any criminal case." La. Const. art. IV, § 8. Murrill's office participated in the investigation and arrest of Mr. Lau through its Bureau of Investigation, has appeared in the state-court proceeding concerning Mr. Lau to defend the constitutionality of La. Rev. Stat. § 18:1463(C)(1), and, on information and belief, would prosecute any charge brought against Mr. Lau following the District Attorney's announced recusal. Murrill is sued in her official capacity solely for prospective declaratory and injunctive relief.

17. **DON LANDRY ("LANDRY")** is the duly elected District Attorney of the Fifteenth Judicial District for the Parish of Lafayette and is being sued in his official capacity solely

for prospective declaratory and injunctive relief. Under the Louisiana Constitution, the district attorney "has charge of every criminal prosecution by the state in his district." La. Const. art. V, § 26(B). Landry retains authority to institute prosecutions under La. Rev. Stat. § 18:1463 throughout the Fifteenth Judicial District.

18. **MARK GARBER ("GARBER")** is the duly elected Sheriff of Lafayette Parish and the head of the Lafayette Parish Sheriff's Office ("LPSO"). He is sued in his official and individual capacities. Under the Louisiana Constitution, the sheriff is "the chief law enforcement officer in the parish." La. Const. art. V, § 27. At all relevant times, he was the final policymaker and decisionmaker regarding law enforcement training, supervision, rules, regulations, and procedures of the LPSO, including the investigation, arrest, seizure, and retention of property at issue here. Garber is sued in his individual capacity for his personal participation in the investigation, search, and arrest of Mr. Lau and in the continued retention of Mr. Lau's property. In his official capacity, Garber is also a proper defendant for prospective relief, including the return of Mr. Lau's property and an injunction against enforcement of La. Rev. Stat. § 18:1463(C)(1) against Mr. Lau.

19. **WESLEY VANMIEGHEM ("VANMIEGHEM")** is being sued in his individual capacity as a detective employed by the LPSO. At all relevant times, Vanmieghem acted under color of state law and was the affiant officer who swore out the affidavits of probable cause used to obtain the search warrants detailed herein and, on information and belief, the warrant for Mr. Lau's arrest, and was the officer who personally participated in the execution of the warrants and in Mr. Lau's interrogation.

20. **UNIDENTIFIED LPSO DEPUTIES 1–10 (the "LPSO Deputies"),** whose identities are known to Defendants and will be confirmed through discovery, are sued in their individual

capacities. At all relevant times, these deputies acted under color of state law and personally participated in the arrest of Mr. Lau, the warrantless search of his vehicle, the searches of his home and office, the seizure and retention of his property, and his detention and interrogation.

21. **UNIDENTIFIED INVESTIGATORS 1–3 of the Bureau of Investigation of the Louisiana Attorney General's Office (the "AG Investigators"),** including the investigator identified to Mr. Lau as "Agent Wolf," whose identities will be confirmed through discovery, are sued in their individual capacities. At all relevant times, these investigators acted under color of state law and personally participated in the investigation that led to Mr. Lau's arrest and in his custodial detention and interrogation.

FACTS

22. Mr. Lau has worked for many years as a political consultant throughout the state of Louisiana, serving candidates primarily in the Acadiana parishes.

23. Through his consulting business, he provides campaign management, digital media, and related professional services to candidates for state and federal office.

24. Mr. Lau and his wife, Yee Ling Lim, own and operate RM Partners, LLC ("RM Partners"), a political consulting firm based in Lafayette. Campaigns for both state and federal office have retained and paid RM Partners for those services, including Governor Jeff Landry.

25. On February 15, 2025, Louisiana held a special primary election for Louisiana Senate District 23. Mr. Lau and RM Partners were engaged by the campaign of Jesse Regan ("Regan"), a Republican candidate for that seat.

26. Regan's opponent was Brach Myers ("Myers"), also a Republican. At the time of the special election, Myers held the District 45 seat in the Louisiana House of Representatives.

27. Myers defeated Regan in the February 15, 2025 special primary, taking 54.8 percent of the vote. Myers was sworn into office on March 11, 2025.

FACTS: THE ALLEGED CONDUCT

28. The conduct Defendants attribute to Mr. Lau is political speech: the use of a pseudonymous organizational name to promote one candidate and to criticize his opponent during a contested election. For that, Mr. Lau was arrested.

29. A Louisiana non-profit corporation registered under the name "The Lady Dems of Acadiana" with the Louisiana Secretary of State on March 1, 2019. Its charter was revoked on May 16, 2022, and the entity ceased to exist.[1]

30. Defendants allege that, in December 2024, Mr. Lau created a Facebook page under the name "Acadiana Democrats," renamed the same day "The Lady Dems of Acadiana," together with an associated text-message campaign, to support his candidate and to dissuade votes for Myers.

31. Defendants allege that the Facebook page was used to share a campaign video produced by and belonging to the Myers campaign, along with the message: "Vote Brach Myers! He is the leader we need in Baton Rouge."

32. That post made no statement about Myers other than the Myers campaign's own message urging voters to support him. The only arguably inaccurate aspect of the post was the identity of the speaker, not any statement about the candidate.

33. "The Lady Dems of Acadiana" page did not identify the names of any individuals responsible for the content of that page, and, as of the date of this filing, has 129 followers, 2 photos, and 2 reviews (both of which are 5-star).

[1] Exhibit A: Louisiana Secretary of State corporate record for The Lady Dems of Acadiana.

34. Defendants' theory, as reflected in their subsequent actions, is that the page made it appear that a long-defunct organization had endorsed Myers.

35. The post appeared as follows:



36. Defendants also allege that Mr. Lau caused a text message promoting Myers to be sent to Republican primary voters, bearing the disclaimer "Paid for by The Lady Democrats of Acadiana." That name matches neither the dissolved non-profit nor the Facebook page.

37. Whatever its accuracy, the speech Defendants attribute to Mr. Lau was core political speech about a public election. It did not solicit or obtain money or property from anyone, it defamed no one, and it concerned a candidate who was then a sitting public official.

38. Before Mr. Lau's interrogation, the only evidence law enforcement disclosed connecting Mr. Lau to any of this conduct was that an IP address associated with his home had accessed the Facebook page. Law enforcement did not raise the text message with Mr. Lau until the interrogation described below.

FACTS: COMPLAINT TO LAW ENFORCEMENT AND THE STATUTE INVOKED

39. The complaint that led to Mr. Lau's arrest had a history. On information and belief, a complaint concerning a November 2024 campaign text message referencing Myers was first presented to the Lafayette Police Department in November 2024, which declined to act on it. The matter then went to the LPSO, which also initially took no action.

40. After Myers won the February 15, 2025 election, a complaint by Myers concerning the endorsement material described above was filed with or revived by the LPSO.[2]

41. The LPSO then pursued the matter jointly with the Bureau of Investigation of the Louisiana Attorney General's Office. The LPSO obtained no warrant and made no arrest until after Myers had won the election and taken office.

42. At issue in the investigation was La. Rev. Stat. § 18:1463(C)(1), which provides:

> No person shall cause to be distributed, or transmitted, any oral, visual, digital, or written material containing any statement which he knows or should be reasonably expected to know makes a false statement about a candidate for election in a primary or general election or about a proposition to be submitted to the voters.

La. Rev. Stat. § 18:1463(C)(1).

[2] Exhibit B: LPSO Press Release: "Lafayette man arrested for felony political ethics violation" Dated Mar. 13, 2025.

43. A violation of that provision is a felony under Louisiana law, punishable by a fine of not more than two thousand dollars or imprisonment, with or without hard labor, for not more than two years, or both. La. Rev. Stat. § 18:1463(G).

44. Louisiana courts have twice struck down provisions of this same statute. In *State v. Burgess*, 543 So. 2d 1332, 1336 (La. 1989), the Louisiana Supreme Court held unconstitutional the then-existing version of Subsection (C)(1), together with Subsection (B). In *State v. Moses*, 94-K-0489, pp. 10–11 (La. App. 4 Cir. 5/16/95), 655 So. 2d 779, 785, the court quashed a prosecution under Subsection (C)(3) and declared that provision unconstitutional.

45. The current text of Subsection (C)(1) imposes felony liability whenever a speaker "should be reasonably expected to know" that a statement about a candidate is false. That is a negligence standard. It requires neither knowledge of falsity nor reckless disregard for the truth.

FACTS: EXECUTION OF THE SEARCH WARRANTS AND SEIZURE OF PROPERTY

46. On March 12, 2025, the day after Myers was sworn into office, Vanmieghem presented two search warrant applications to Judge Andre Doguet of the Fifteenth Judicial District Court. Judge Doguet signed both warrants that morning, at 9:51 a.m. and 9:52 a.m.[3]

47. The warrants sought authorization for LPSO, acting together with investigators from the Louisiana Attorney General's Office, to search Mr. Lau's residence and place of business.

48. According to the warrants, Vanmieghem supplied Judge Doguet with an affidavit of probable cause stating the need to search both properties for:

[3] Exhibit C: Search Warrant of Mr. Lau's Office, signed March 12, 2025, and executed March 13, 2025.

> [a]ny computers (laptop or desktop), tablets, cellular devices, or any other device that can be used to send emails or access Facebook.[4]

49. The warrants identified that material as evidence of a violation of La. Rev. Stat. § 18:1463, without identifying any subsection.

50. Mr. Lau and his counsel have never been provided the affidavits supporting the warrants.

51. On March 13, 2025, LPSO deputies, on information and belief working with investigators from the Bureau of Investigation of the Louisiana Attorney General's Office, executed both search warrants. The search of Mr. Lau's office began at 10:49 a.m.; the search of his residence began at 11:12 a.m.

52. Approximately ten to fifteen deputies entered the Lau residence while Mr. Lau's wife was asleep, searched every room, including their son's bedroom, and removed every computer, phone, and tablet in the home.

53. On information and belief, deputies entered Mr. Lau's office using keys taken from him at his arrest. They seized the RM Partners accounting computer and left a copy of the warrant on the desk. Deputies left no inventory or receipt of the property seized at either location.

54. Vanmieghem did not sign the return on the business search warrant until March 11, 2026, 363 days after the search.

55. The business search warrant return reflects the seizure of a single item: a red and black Lenovo 11AD computer bearing serial number MJ0CV588.[5]

56. Vanmieghem also did not sign the return on the residence search warrant until March 11, 2026, 363 days after the search. That return reflects the seizure of eighteen items:

    a. Lenovo ThinkPad X1 Carbon Gen 3 Laptop w/ power cable

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[4] Exhibit C: Search Warrant of Mr. Lau's Office; Exhibit D: Search Warrant of Mr. Lau's Personal Residence, each signed March 12, 2025, and executed March 13, 2025.
[5] Exhibit E: Return of Search Warrant on Mr. Lau's Office, signed March 11, 2026.

b. Lenovo ThinkPad X1 Carbon Gen 8 Laptop
c. Lenovo ThinkPad T590 Laptop
d. Lenovo ThinkPad LDA-KP Universal USB-C Dock w/ USB-C Cable & Power Cable
e. Lenovo ThinkPad X100e Laptop
f. Lenovo ThinkPad T61 Laptop w/ Power Cable
g. Lenovo ThinkPad T14 Gen 2 Laptop
h. Apple MacBook Pro A2485 w/ Power Cable
i. Apple MacBook Pro A1398 Laptop
j. Apple iPad A2377 Tablet w/ Soft Case
k. Apple iPad A1475 Tablet w/ Hard Case
l. Apple iPad A1893 Tablet w/ Hard Case
m. Lenovo ThinkPad 1838-22U Tablet
n. Apple iPhone w/ Gray Soft Case
o. Apple iPhone w/ Glitter Soft Case
p. LG Cellphone w/ Black Soft Case
q. LG Cellphone w/ Black Soft Case
r. LG Cellphone w/ Black Soft Case[6]

57. Defendants therefore seized at least nineteen items of electronic equipment from Mr. Lau's residence and place of business on March 13, 2025, and filed no return documenting any of them for 363 days.

58. The returns are incomplete. They omit property seized from Mr. Lau's person at the time of his arrest, including his personal iPhone 15 Pro Max with an attached recording device and his Apple Watch, and property seized from his vehicle.

59. On information and belief, the items seized from the residence included several old laptops that no longer functioned and an unopened, still-boxed iPhone. A device that does not function cannot be "used to send emails or access Facebook."

[6] Exhibit F: Return of Search Warrant on Mr. Lau's Personal Residence, signed March 11, 2026.

60. The property identified in the returns belonged to Mr. Lau, his wife, their son, who has autism, and RM Partners, and it included the Chevron-issued laptop in Mr. Lau's lawful possession.

61. Defendants have never alleged that Mr. Lau's wife or his son engaged in any wrongdoing.

62. During the arrest, a deputy searched Mr. Lau's vehicle without a warrant and removed his son's iPhone. Deputies also seized his son's iPad during the search of the residence. Officers returned those two devices the same day, and only after Mr. Lau pleaded for their return. The iPad held the autism-related therapeutic and communication programs Mr. Lau's son relies on daily.

63. Mr. Lau's wife's iPhone and laptop were not returned until March 2026, approximately one year after the search, and only after Judge Michelle Billeaud of the Fifteenth Judicial District Court ordered their return. The same order directed the return of one of the seized laptops, which had been issued by Chevron for use in Mr. Lau's staff-augmentation engagement with Chevron.

64. The LPSO returned Mr. Lau's wife's devices only on the condition that Mr. Lau unlock both devices in the presence of LPSO deputies, which he did.[7]

65. The LPSO imposed the same condition on the Chevron-issued laptop. Because Mr. Lau's Chevron credentials had expired when that engagement ended on June 1, 2025, the laptop could not be unlocked, and the LPSO has not returned it, notwithstanding the court's order.

66. LPSO personnel informed Mr. Lau's criminal defense counsel that his remaining equipment would be returned only if he provided his passwords.

[7] Exhibit G: Order of the Fifteenth Judicial District Court (Billeaud, J.) directing the return of property, dated March 11, 2026.

67. As of the date of this filing, the LPSO retains all of Mr. Lau's personal electronic devices, his work devices, the RM Partners accounting computer, and the Chevron-issued laptop.

68. No forensic report or result of any examination of the seized devices has been disclosed. The LPSO's March 13, 2025 press release stated that "forensic examination continues both digitally, and on the devices seized by law enforcement." Nineteen months later, nothing indicates that any examination has been completed.

FACTS: THE ARREST AND INTERROGATION

69. Law enforcement arrested Mr. Lau on March 13, 2025, in the parking lot of the office of Cajun PAC II, a political action committee, on West Pinhook Road in Lafayette, at approximately the same time deputies executed the search warrants at his home and office, and transported him to the LPSO for questioning.

70. Five to ten LPSO deputies in unmarked vehicles, with lights activated, surrounded Mr. Lau within seconds of his arrival. A plainclothes detective told him he was under arrest. No one told Mr. Lau the charge, showed him a warrant, or mentioned that a warrant existed. Deputies handcuffed him and took his keys and his phone.

71. While Mr. Lau was handcuffed, deputies asked whether he had any phones in his car, and he told them his son's phone was inside. Deputies took his keys, and a detective searched the vehicle and removed his son's iPhone. No one told Mr. Lau that he could refuse.

72. Mr. Lau's $2,500 bond had already been set before his arrest. On information and belief, an arrest warrant was issued on an application or affidavit sworn by Vanmieghem.

73. Before any officer advised Mr. Lau of his rights per *Miranda*, the second-ranking deputy of the LPSO, Colonel Carlos Stutes, encouraged Mr. Lau to cooperate with LPSO deputies and Investigators from the Louisiana Attorney General's Office.

74. Vanmieghem and an investigator from the Louisiana Attorney General's Office identified as Agent Wolf then questioned Mr. Lau. Mr. Lau repeatedly asked why he had been arrested; they did not answer. When Mr. Lau asked for an attorney, questioning ceased so that he could contact attorney Barry Sallinger.

75. Upon Barry Sallinger's arrival, the LPSO gave Mr. Lau no private space in which to confer with his counsel. The two remained in the interrogation room equipped with cameras and audio recording. The only means of having confidential and privileged communication was to message each other back and forth using Barry Sallinger's phone.

76. During the interrogation, Vanmieghem raised the text message for the first time. Mr. Lau ultimately gave a statement to Vanmieghem and Agent Wolf.

77. At the conclusion of Mr. Lau's statement, Vanmieghem verbally remarked, "Phew, this was easier than I thought."

78. Only after Mr. Lau had given his statement did officers advise him of his rights per *Miranda* and have him sign the accompanying paperwork.

79. Officers booked Mr. Lau into the Lafayette Parish Correctional Center on a felony charge, subject to a pre-set bond of $2,500.[8]

80. Someone was positioned to film Mr. Lau as he was walked, handcuffed, from the detective offices to the jail, before he was booked. The video was later published online. That afternoon, the LPSO issued a press release publicizing the arrest, Mr. Lau's full name, his age, and the felony charge, and describing a "cyber investigation" conducted with the Attorney General's Bureau of Investigation.

[8] Exhibit B: LPSO Press Release: "Lafayette man arrested for felony political ethics violation" Dated Mar. 13, 2025.

81. Mr. Lau's son has autism. He depends on specialized care, a consistent daily routine, and assistive technology to communicate and to regulate his emotions, including the communication and therapy programs on his iPad. On the morning of March 13, 2025, Mr. Lau had dropped his son off at the behavioral therapy center his son attends, where the child had to be picked up by 4:30 p.m. While Mr. Lau was in custody, he told Colonel Stutes that he had to pick up his autistic son by 4:30 p.m. and asked that his release be expedited, and Colonel Stutes relayed that request to the detectives. Mr. Lau was nonetheless not released on the pre-set bond until approximately 4:30 p.m. and could not reach his son in time, primarily because his vehicle was still parked at the scene of his arrest. Mr. Lau's wife picked the child up instead. The child came home to find that every phone, tablet, and computer in the house, including his own iPad, had been taken. Mr. Lau did not arrive home until approximately 5:30 p.m., bringing his son's phone and iPad, which deputies had returned only after Mr. Lau pleaded for them.

82. As of the date of this filing, no bill of information has been filed against him, no indictment has been returned, and no criminal charge is pending against Mr. Lau in any Louisiana court.

83. On July 14, 2025, Mr. Lau filed a motion in the Fifteenth Judicial District Court to quash the search warrants, to suppress the evidence seized under them, and to compel the return of his electronic devices.[9]

84. At an August 6, 2025 hearing, the court continued the motion to allow notice to the Louisiana Attorney General, who was served on September 26, 2025. The Attorney General then appeared and filed a brief defending the constitutionality of La. Rev. Stat. §

[9] Exhibit H: Motion to Quash Search Warrant, Suppress Evidence, and Return Seized Items, filed July 14, 2025, *State v. Lau*, No. 2025-COP-8901 (15th Jud. Dist. Ct., Div. K).

18:1463(C)(1)[10]. Apart from the March 2026 order directing the return of certain devices, the court has not ruled on the motion.

85. No prosecution of Mr. Lau is pending. No bill of information or indictment has been filed, and Mr. Lau has not been arraigned. The only proceeding in state court is the docket opened to hear Mr. Lau's own motion, which the Attorney General has asked the state court to close.

86. The investigation nonetheless remains open, and the State may institute prosecution against Mr. Lau until at least March 2029. La. Code Crim. P. art. 572(A)(2).

87. The District Attorney for the Fifteenth Judicial District, Don Landry, has publicly stated that he intends to recuse himself from any prosecution of Mr. Lau because he previously worked with Mr. Lau, and that the Attorney General's Office would prosecute.

FACTS: SHERIFF GARBER'S PERSONAL INVOLVEMENT

88. Sheriff Garber has told at least two individuals that he intended to run for the United States Senate. Mr. Lau was a political consultant to, and a member of the U.S. Senate campaign team of, Blake Miguez, a previously declared candidate for that seat. Garber knew of Mr. Lau's role.

89. On June 4, 2026, after a Facebook user publicly criticized the treatment of Mr. Lau, including that a year later he still did not have his computer back, Garber responded within 51 minutes through a Facebook account under the name "Mark Thomas": "You should be asking Why does Eddie refuse to provide the passcode for his device."

[10] Exhibit I: Supplemental Brief of the Attorney General filed November 21, 2025, *State v. Lau*, No. 2025-COP-8901 (15th Jud. Dist. Ct., Div. K).

90. On information and belief, the "Mark Thomas" account belongs to and is operated by Garber, whose middle name is Thomas.

91. Garber's public statement confirms that he personally knows of and endorses the LPSO's practice of conditioning the return of Mr. Lau's property on access to its contents, and that the property is being withheld because Mr. Lau has declined to surrender his passcodes, not because of any investigative need.

92. On information and belief, Subsection (C)(1) is rarely, if ever, enforced through arrest in Louisiana, and the LPSO has not arrested other persons who distributed false or misleading statements about candidates in Lafayette Parish elections.

FACTS: RESULTING HARM TO MR. LAU

93. Because the RM Partners accounting computer and the business records on it remain in LPSO custody, Mr. Lau has been substantially impaired in his ability to operate RM Partners, to keep the books of the businesses he manages, and to meet their tax filing deadlines.

94. Among the devices the LPSO continues to hold is the Chevron-issued laptop Mr. Lau used in a staff-augmentation engagement with Chevron that he had held since 2006.

95. Because Mr. Lau could not perform that work after the seizure, and because of his arrest, the engagement was terminated on June 1, 2025, ending W-2 compensation of approximately $189,945 per year.

96. Mr. Lau also lost additional consulting contracts and the income from them, both because his devices remain in the LPSO's custody and because of the reputational damage he has suffered as a result of being arrested and publicized as a felon.

97. The American College of Obstetricians and Gynecologists, a client of nine years, terminated its engagement by written notice dated March 21, 2025, eight days after the arrest. Likewise, the Youngsville Police Department terminated its engagement, and Cajun PAC II suspended its monthly engagement. Of the eleven elected officials Mr. Lau helped elect in 2022, only one has retained him for the 2026 cycle.

98. Mr. Lau's Louisiana concealed-carry permit was cancelled within days of his arrest because of the arrest record.

99. The pendency of the arrest and the absence of any resolution have also prevented Mr. Lau from applying for naturalization. Mr. Lau has been a lawful permanent resident of the United States for nineteen years and has long planned to become a citizen.

100. Under the totality of these circumstances, Defendants' actions have caused Mr. Lau substantial personal harm, including humiliation, anxiety, and emotional distress; anguish over the seizure of his son's communication and therapy devices and the disruption of his son's care and routine; the disruption of his family and household; the strain of an investigation that has run more than nineteen months without resolution; and the financial instability caused by the continuing loss of business.

101. Mr. Lau has also incurred out-of-pocket losses, including the cost of posting bond, criminal defense fees of at least $10,500 to date, the cost of replacing seized devices and software, the cost of reconstructing business and accounting records, and medical expenses.

102. Mr. Lau is currently battling terminal cancer. On information and belief, Defendants are aware of his condition and have nonetheless continued to withhold his property and to leave the matter unresolved.

103. Mr. Lau intends to continue working as a political consultant and to engage in political speech about candidates, including satirical, pseudonymous, and critical speech that Defendants could deem "false" under Subsection (C)(1). The pending investigation and the threat of prosecution chill that speech.

CAUSES OF ACTION

Count 1: Fourth Amendment – Unlawful Search and Seizure (42 U.S.C. § 1983)

Against Defendants Vanmieghem, the LPSO Deputies, the AG Investigators, and Garber (official capacity)

104. Mr. Lau realleges and incorporates by reference the preceding allegations.

105. The Fourth Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, guarantees the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. Pursuant to the Fourth Amendment's particularity requirement, the place to be searched and the items to be seized must be described with sufficient particularity so as to leave "nothing…to the discretion of the officer executing the warrant." *United States v. Allen*, 625 F.3d 830, 835 (5th Cir. 2010) (quoting *Marron v. United States*, 275 U.S. 192, 196 (1927)).

106. The search warrants Vanmieghem obtained on March 12, 2025 authorized the seizure of:

> [a]ny computers (laptop or desktop), tablets, cellular devices, or any other device that can be used to send emails or access Facebook.[11]

[11] Exhibit C: Search Warrant of Mr. Lau's Office; Exhibit D: Search Warrant of Mr. Lau's Personal Residence, each signed March 12, 2025, and executed March 13, 2025.

107. That authorization was not limited to any particular device, any particular account, any particular file, or any particular category of material connected to the specific conduct alleged.

108. The conduct alleged was a single Facebook post and a single text message distribution.

109. The warrants identified the material sought as evidence of a violation of La. Rev. Stat. § 18:1463, without limitation to any subsection of that statute.

110. Whatever probable cause the applications established, if any, reached only discrete digital communications attributable to a particular device or a particular account. It did not establish probable cause to believe that every internet-capable device in Mr. Lau's home and place of business contained evidence of a crime.

111. Defendants executed both warrants on March 13, 2025. From Mr. Lau's residence, Defendants seized eighteen items of electronic equipment, consisting of eight laptop computers, four tablets, two Apple iPhones, three LG cellular telephones, and a docking station. From Mr. Lau's place of business, Defendants seized a single computer.[12]

112. Defendants also seized property beyond the warrants' own terms, including, on information and belief, laptops that no longer functioned and therefore could not be "used to send emails or access Facebook." They also seized property from Mr. Lau's person and his vehicle that appears on neither return.

113. No warrant authorized a search of Mr. Lau's vehicle. Mr. Lau was handcuffed and secured at the time, and deputies had no reasonable basis to believe that the vehicle

[12] Exhibit E: Return of Search Warrant on Mr. Lau's Office; Exhibit F: Return of Search Warrant on Mr. Lau's Personal Residence, each signed March 11, 2026.

contained evidence of the offense of arrest. The warrantless search of the vehicle was unreasonable. *Arizona v. Gant*, 556 U.S. 332, 351 (2009).

114. The property Defendants seized from the residence did not belong to Mr. Lau alone. It included devices belonging to his wife and to their autistic son. Defendants have never alleged that either of them engaged in any wrongdoing.

115. The warrants' authorization was so expansive, and the resulting seizure so untethered from the specific probable cause alleged, that the warrants functioned as the general warrant the Fourth Amendment was designed to prohibit.

116. Defendants left no inventory or receipt of the seized items at either Mr. Lau's residence or his place of business. In fact, Vanmieghem did not even sign a return on either warrant until 363 days after the searches. For that year, Mr. Lau did not possess a single document identifying exactly what property was seized by law enforcement.

117. Because the warrants did not satisfy the Fourth Amendment's particularity requirement, the searches conducted pursuant to them and the seizures made under them were unconstitutional, and all items seized pursuant to those warrants were taken in violation of Mr. Lau's Fourth Amendment rights.

118. Judge Doguet's approval of the warrants does not shield Vanmieghem. The applications were so lacking in indicia of probable cause that no reasonable officer would have sought the warrants. *Malley v. Briggs*, 475 U.S. 335, 344–45 (1986). The applications sought authority to seize every internet-capable device in a family home and a business, to investigate a single Facebook page and a single text message, under a statute that could not constitutionally reach the conduct alleged.

119. In addition, on information and belief, the affidavits contained material misstatements or omitted material facts, made deliberately or with reckless disregard for the truth, including the limits of the evidence connecting Mr. Lau to the conduct alleged and the nature of the speech at issue. *Franks v. Delaware*, 438 U.S. 154, 155–56 (1978); *Melton v. Phillips*, 875 F.3d 256, 262–64 (5th Cir. 2017) (en banc). Defendants have refused to produce the affidavits, which are within their exclusive possession, and Mr. Lau will seek leave to amend once they are produced.

120. Vanmieghem swore out the applications for both search warrants and directed and personally participated in their execution. He personally caused the unconstitutional searches of Mr. Lau's personal residence and place of business and the seizures made under those warrants. He is liable in his individual capacity.

121. The LPSO Deputies, and on information and belief the AG Investigators, who executed the warrants, conducted the searches of Mr. Lau's residence and place of business, and searched his vehicle, personally participated in the unconstitutional conduct and are liable in their individual capacities.

122. Garber, as Sheriff and final policymaker for the LPSO, on information and belief personally approved the decision to investigate and arrest Mr. Lau and to search his residence and place of business, and directed the resources of his office toward that end. His decision to authorize and direct this investigation and the resulting searches constitutes official policy of the LPSO for purposes of institutional liability. *Pembaur v. City of Cincinnati*, 475 U.S. 469, 480–81 (1986). Garber is liable in his official capacity for the role in causing the unconstitutional conduct, as the policymaker whose deliberate decisions subjected Mr. Lau to the constitutional violations described herein.

Count 2: Fourth Amendment – Continued Retention of Seized Property (42 U.S.C. § 1983)
Against Defendants Vanmieghem, the LPSO Deputies, and Garber (individual and official capacities)

123. Mr. Lau realleges and incorporates by reference the preceding allegations.

124. The Fourth Amendment's protection against unreasonable seizures does not end when property is first taken. "When the government seizes property incident to a lawful arrest, the Fourth Amendment requires that any continued possession of the property must be reasonable." *Asinor v. District of Columbia*, 111 F.4th 1249, 1252 (D.C. Cir. 2024); *see also Brewster v. Beck*, 859 F.3d 1194, 1197 (9th Cir. 2017). The continued possession of a person's property after the justification for its seizure has lapsed is an ongoing violation, separate from and in addition to any infirmity in the original seizure.

125. Defendants arrested Mr. Lau on March 13, 2025. No bill of information has been filed. No indictment has been returned. No criminal charge of any kind is pending.

126. Absent any pending criminal proceeding, Defendants have no legitimate legal basis to retain Mr. Lau's property. Whatever investigative interest existed at the time of the initial seizure, which Mr. Lau disputes as constitutionally valid, that interest cannot justify open-ended possession of property belonging to a person who has not been charged with a crime.

127. Mr. Lau has not slept on his rights. On July 14, 2025, he moved in the Fifteenth Judicial District Court to quash the search warrants, to suppress the evidence seized under them, and to compel the return of his electronic devices. The State has delayed the hearing of that motion ever since.[13]

[13] Exhibit H: Motion to Quash Search Warrant, Suppress Evidence, and Return Seized Items, filed July 14, 2025, *State v. Lau*, No. 2025-COP-8901 (15th Jud. Dist. Ct., Div. K).

128. More than a year after Mr. Lau asked a court to order his property returned, Defendants still continue to withhold it.

129. A government that is actively examining seized property for evidence does not wait a year to record what it seized, as Defendants did here. Defendants' failure to account for the property for 363 days is inconsistent with any claim that they were using it for a legitimate investigative purpose during that period.

130. Defendants have also released seized property when it suited them. Law enforcement returned Mr. Lau's son's iPhone and iPad at the Lafayette Parish Sheriff's Office on the day of the search, albeit only after Mr. Lau pleaded with them. One year later, and only after Mr. Lau sought a court order compelling their return, Defendants returned his wife's iPhone and laptop.

131. Defendants' decision to return some devices while retaining others was a deliberate choice, not a consequence of investigative necessity. It establishes that Defendants can distinguish among the seized items and can release property when required to do so, and it forecloses any argument that retention of the remaining items is necessary to preserve the integrity of an investigation or to prevent the destruction of evidence.

132. What Defendants continue to hold as of the date of this filing includes all of Mr. Lau's personal electronic devices, his work devices, the RM Partners accounting computer, and the Chevron-issued laptop. No criminal proceeding or investigation justifies their retention.

133. Defendants have used their continued possession of Mr. Lau's property to extract access to its contents.

134. When Defendants returned Mr. Lau's wife's iPhone and laptop in March 2026, they did so only on the condition that Mr. Lau unlock both devices in the presence of LPSO deputies. Defendants imposed that condition notwithstanding the court order compelling the return, and they obtained access to the contents of both devices before releasing them.

135. Defendants imposed the same condition on the Chevron-issued laptop that the court had ordered returned, and, when it could not be unlocked, they kept it.

136. Sheriff Garber, through LPSO personnel, has conditioned the return of Mr. Lau's remaining property on the same demand, and on June 4, 2026, he publicly faulted Mr. Lau for refusing "to provide the passcode for his device."

137. No court has ordered Mr. Lau to unlock any device. No subpoena, no court order, and no search warrant directed at the contents of these devices requires him to provide access.

138. By conditioning the return of property on the owner granting access to its contents, Defendants have converted the seizure from an investigative measure into a means of coercion.

139. Defendants' continued possession of the property is what makes the demand possible. That use of retained property is itself an unreasonable seizure under the Fourth Amendment.

140. Mr. Lau should not have to choose between the permanent loss of his property and the surrender of privacy via access to everything on it.

141. Vanmieghem directed the initial seizure of Mr. Lau's property, signed the returns on both warrants 363 days after the searches, and, on information and belief, has

participated in the decisions to retain Mr. Lau's property. He is liable in his individual capacity for the continuing constitutional violation described herein.

142. The LPSO Deputies who have participated in the continued retention of Mr. Lau's property and in the imposition of conditions on its return are liable in their individual capacities.

143. Garber, as final policymaker for the LPSO, personally directed and has personally perpetuated the continued retention of Mr. Lau's property. On information and belief, Defendants, including Garber, are aware that Mr. Lau is suffering from terminal cancer. The decision to withhold Mr. Lau's property beyond any period of legitimate investigative need, and to condition its return on Mr. Lau's compliance with an unlawful demand, constitutes official policy of the LPSO attributable to Garber in both his individual and official capacities.

Count 3: Fourteenth Amendment – Procedural Due Process (42 U.S.C. § 1983)
Against Defendants Vanmieghem, the LPSO Deputies, and Garber (individual and official capacities)

144. Mr. Lau realleges and incorporates by reference the preceding allegations.

145. The Fourteenth Amendment prohibits a State from depriving any person of property without due process of law. The continued retention of seized property, as distinct from its initial seizure, may itself be a constitutional deprivation. *Barker v. Norman*, 651 F.2d 1107, 1114, 1131 (5th Cir. 1981). This Count is pleaded in addition and in the alternative to Count 2.

146. Mr. Lau has a protected property interest in his personal devices and the data on them, and a protected possessory interest in the RM Partners accounting computer and the

Chevron-issued laptop, each of which was in his lawful possession and custody when seized.

147. Defendants have deprived Mr. Lau of that property for more than nineteen months without any charge, forfeiture proceeding, or hearing at which the State has been required to justify the retention. Mr. Lau's motion in state court has been pending since July 2025, and the only relief it has produced, the return of his wife's devices, was conditioned by the LPSO on the surrender of access to their contents.

148. The deprivation is not the result of a random or unauthorized act. It results from the LPSO's established practice, known to and endorsed by Garber, of conditioning the return of seized property on the owner's surrender of passcodes or device access, a practice the LPSO has applied even to property a court ordered returned. Post-deprivation state remedies are therefore not adequate.

149. By retaining Mr. Lau's property without a prompt and meaningful opportunity to contest the retention, and by conditioning its return on the surrender of his privacy in its contents, Defendants have violated the Due Process Clause. Vanmieghem and the LPSO Deputies are liable in their individual capacities. Garber is liable in his individual capacity for his personal participation and in his official capacity as the final policymaker whose practice caused the deprivation.

Count 4: Fourth Amendment – False Arrest (42 U.S.C. § 1983)
Against Defendants Vanmieghem, the LPSO Deputies, the AG Investigators, and Garber (official capacity)

150. Mr. Lau realleges and incorporates by reference the preceding allegations.

151. The Fourth Amendment prohibits the seizure of a person's body without probable cause. A warrant authorizing an arrest must be supported by probable cause that the person committed a crime. *Duckett v. City of Cedar Park*, 950 F.2d 272, 278 (5th Cir. 1992).

152. On March 13, 2025, LPSO deputies arrested Mr. Lau in the parking lot of the Cajun PAC II office on West Pinhook Road, on a charge of violating La. Rev. Stat. § 18:1463(C)(1). Vanmieghem and, on information and belief, the AG Investigators participated in the decision to arrest him and in his custodial detention and interrogation.

153. Mr. Lau and his criminal defense attorney, Barry Sallinger, have requested from the LPSO the arrest warrant under which Mr. Lau was taken into custody, together with any affidavit submitted in support of it. However, the LPSO refused to provide the arrest warrant or any relevant documentation pertaining to it.

154. In other words, Mr. Lau does not know whether any arrest warrant was issued, and if one was, what the affidavit of probable cause supporting the arrest said. Those facts are within the exclusive knowledge and control of Defendants, who are withholding them from the person they arrested.

155. Because Mr. Lau's bond was set before his arrest, on information and belief an arrest warrant issued on an application or affidavit sworn by Vanmieghem.

156. The arrest resulted in Mr. Lau's physical detention, his transport to LPSO facilities, his interrogation, and his booking into the Lafayette Parish Correctional Center on a felony charge under a pre-set bond of $2,500. It also produced a public record of a felony arrest in his name.[14] No charges have been filed since.

[14] Exhibit B: LPSO Press Release: "Lafayette man arrested for felony political ethics violation" Dated Mar. 13, 2025.

157. The arrest was predicated solely on a charge under La. Rev. Stat. § 18:1463(C)(1). It lacked probable cause for two independent reasons.

158. First, Defendants lacked probable cause even under the terms of the statute. The only evidence disclosed before Mr. Lau's interrogation connected his household's IP address to the Facebook page. That page reposted the Myers campaign's own video and urged voters to support Myers. It made no false statement "about a candidate" within the meaning of Subsection (C)(1). Any inaccuracy concerned the identity of the speaker.

159. Second, Subsection (C)(1) is so grossly and flagrantly unconstitutional that any person of reasonable prudence would be bound to see its flaws. *Michigan v. DeFillippo*, 443 U.S. 31, 38 (1979). It imposes felony liability for negligent falsity in political speech, below the actual-malice floor established more than sixty years ago in *Sullivan*, 376 U.S. at 279–80, and applied to criminal sanctions in *Garrison v. Louisiana*, 379 U.S. 64, 74 (1964). It conflicts directly with *Alvarez*, 567 U.S. at 718–19. The Louisiana Supreme Court struck down a prior version of the same subsection in *Burgess*, 543 So. 2d at 1336, and a Louisiana appellate court quashed a prosecution under another subsection of the same statute in *Moses*, 94-K-0489 at pp. 10–11, 655 So. 2d at 785. No reasonable officer could rely on Subsection (C)(1) to arrest a person for political speech.

160. To the extent Mr. Lau was arrested on a warrant, the warrant does not insulate Vanmieghem. The application was so lacking in indicia of probable cause that no reasonable officer would have submitted it, *Malley*, 475 U.S. at 344–45, and, on information and belief, it misstated or omitted material facts deliberately or with reckless disregard for the truth, *Franks*, 438 U.S. at 155–56.

161. Vanmieghem swore out the warrant applications in this matter and participated in the arrest of Mr. Lau. He personally caused the unlawful seizure of Mr. Lau's person. He is liable in his individual capacity.

162. The LPSO Deputies who physically participated in the arrest of Mr. Lau, and the AG Investigators who participated in his custodial detention and interrogation, personally participated in the unlawful seizure of his person and are liable in their individual capacities.

163. Garber, as Sheriff and final policymaker for the LPSO, on information and belief personally approved the decision to investigate and arrest Mr. Lau and to search his residence and place of business, and directed the resources of his office toward that end. His decision to authorize and direct this investigation and the resulting arrest constitutes official policy of the LPSO for purposes of institutional liability. Garber is liable in his official capacity for the role in causing the unconstitutional conduct, as the policymaker whose deliberate decisions subjected Mr. Lau to the constitutional violations described herein.

Count 5: First Amendment – Retaliation (42 U.S.C. § 1983)
Against Defendants Vanmieghem, the LPSO Deputies, the AG Investigators, and Garber (individual and official capacities)

164. Mr. Lau realleges and incorporates by reference the preceding allegations.

165. The First Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, prohibits the government from retaliating against a person for engaging in constitutionally protected speech or expressive conduct. *Hartman v. Moore*, 547 U.S. 250, 256 (2006).

166. To establish a First Amendment retaliation claim, a plaintiff must show that (1) he engaged in constitutionally protected activity, (2) the defendants' actions caused him an injury that would chill a person of ordinary firmness from continuing to engage in that activity, and (3) the defendants' adverse actions were substantially motivated by the protected activity. *Keenan v. Tejeda*, 290 F.3d 252, 258 (5th Cir. 2002); *Alexander v. City of Round Rock*, 854 F.3d 298, 308 (5th Cir. 2017). The protected activity must be a but-for cause of the adverse action. *Nieves v. Bartlett*, 587 U.S. 391, 398–99 (2019).

167. For a claim of retaliatory arrest, the plaintiff generally must plead the absence of probable cause, *Nieves*, 587 U.S. at 402, but that requirement does not apply when the plaintiff presents objective evidence that he was arrested when otherwise similarly situated individuals not engaged in the same sort of protected speech had not been. *Id.* at 407; *Gonzalez v. Trevino*, 602 U.S. 653, 658 (2024). Mr. Lau's claims based on the retaliatory search, seizure, and retention of his property are independent of his retaliatory-arrest claim.

168. The speech for which Defendants arrested Mr. Lau, a Facebook page and a text message conveying a political message about a candidate in an election, is political speech at the core of the First Amendment. The First Amendment does not permit the government to punish speakers for false statements except in narrow circumstances not present here, and the statute under which Mr. Lau was arrested imposes liability on a negligence standard rather than requiring knowledge of falsity.

169. Defendants took the following adverse actions against Mr. Lau because of the political speech they attributed to him:

a) Vanmieghem swore out and obtained search warrants authorizing the seizure of every internet-capable device in Mr. Lau's residence and place of business;
b) LPSO deputies and, on information and belief, AG investigators searched Mr. Lau's residence and place of business, seizing at least nineteen items of electronic

equipment belonging to Mr. Lau, his wife, his son, and RM Partners, and deputies searched his vehicle without a warrant;

c) LPSO deputies arrested Mr. Lau and booked him into the Lafayette Parish Correctional Center on a felony charge, creating a public record of a felony arrest in his name, and Vanmieghem and an AG investigator interrogated him;

d) LPSO deputies have withheld Mr. Lau's property continuously since March 13, 2025, without filing any charge, have conditioned its return on Mr. Lau unlocking the devices in the presence of LPSO deputies, and Garber has publicly faulted Mr. Lau for declining to surrender his passcode; and

e) The LPSO has refused to provide Mr. Lau or his counsel the arrest warrant, if any, under which he was taken into custody.

170. Those actions cost Mr. Lau his contract with Chevron, additional consulting contracts and the income from them, his Louisiana concealed-carry permit, his ability to apply for naturalization while the matter remains unresolved, and his professional standing in the political consulting market.

171. Each of the actions described above would deter a person of ordinary firmness from continuing to engage in the protected political speech for which Defendants targeted him. A felony arrest, a search of the family home that took every device in it, the continued withholding of the tools of Mr. Lau's livelihood, and the public association of his name with a felony charge are precisely the kind of governmental conduct the First Amendment forbids when protected expression is what provoked it.

172. Defendants lacked probable cause to arrest Mr. Lau, for the reasons alleged in Count 4.

173. In the alternative, objective evidence shows that Mr. Lau was arrested when otherwise similarly situated individuals not engaged in the same sort of protected speech have not been. On information and belief, Subsection (C)(1) is rarely, if ever, enforced through arrest; Defendants have not arrested other persons who distributed false or misleading statements about candidates in Lafayette Parish elections; and the speech

attributed to Mr. Lau is of a kind common in Louisiana campaigns and not ordinarily the subject of any arrest.

174. Garber's retaliatory motive is further shown by his own political interests. Garber has told others he intended to run for the United States Senate against a candidate Mr. Lau was advising, and after the arrest he publicly pressed Mr. Lau, through a pseudonymous account, to surrender his passcode.

175. Taken together, these facts establish that Mr. Lau's protected political activity was the but-for cause of Defendants' adverse actions.

176. Myers won the February 15, 2025 special primary. Earlier complaints about speech attributed to Mr. Lau had drawn no action from the Lafayette Police Department or the LPSO. After Myers won, the matter was revived.[15] Vanmieghem obtained the search warrants on March 12, 2025, the day after Myers took office, and Defendants arrested Mr. Lau the next day, March 13, 2025.

177. Defendants invoked La. Rev. Stat. § 18:1463(C)(1) as the legal basis for the search warrants and for Mr. Lau's arrest. As alleged in Counts 6 through 8 and incorporated herein by reference, that statute is unconstitutional on its face and as applied. Defendants used a statute that cannot constitutionally reach Mr. Lau's speech as the instrument for searching his home and office, arresting him, and taking his property.

178. The manner in which Defendants have conducted this matter, invoking La. Rev. Stat. § 18:1463, and searching and arresting Mr. Lau only after the election was over, confirms that prosecuting a crime was not its object. For example, Defendants left no inventory at either search location and failed to sign the warrant return for a year.

[15] Exhibit B: LPSO Press Release: "Lafayette man arrested for felony political ethics violation" Dated Mar. 13, 2025.

Defendants have refused to provide the arrest warrant to Mr. Lau or his criminal defense counsel. No bill of information has been filed, and no indictment has been returned. Defendants took Mr. Lau's devices, his livelihood, and his reputation hostage and then let the matter sit.

179. The retaliatory arrest, search, and continuing seizure suppressed Mr. Lau's protected political speech. He has been unable to practice his profession, the production of political communications on behalf of candidates, because Defendants seized and have kept the instruments of that profession and because a publicized felony arrest has damaged his standing in the market where he works. The effect extends to other political consultants in the field who are aware of what happened to him.

180. Vanmieghem swore out the warrant applications and led the execution of the warrants and the interrogation of Mr. Lau. He carried out the retaliatory searches of Mr. Lau's personal residence and place of business and the retaliatory arrest of his person. He is liable in his individual capacity.

181. The LPSO Deputies and the AG Investigators who participated in the execution of the warrants, the arrest, the interrogation, or the retention of Mr. Lau's property personally participated in the adverse actions constituting the retaliation and are liable in their individual capacities.

182. Garber, as Sheriff and final policymaker for the LPSO, on information and belief directed the investigation, the searches, and the arrest of Mr. Lau, and after the arrest he publicly pressured Mr. Lau to surrender his device passcode. He did so to punish Mr. Lau for political speech the First Amendment protects. He is liable in his individual capacity. Moreover, Garber's decision to authorize and direct this investigation, to seek search

warrants of Mr. Lau's personal residence and place of business, and the resulting arrest of Mr. Lau on account of his protected political speech constitutes official policy of the LPSO for purposes of institutional liability. Garber is liable in his official capacity for the role in causing the unconstitutional conduct, as the policymaker whose deliberate decisions subjected Mr. Lau to the constitutional violations described herein.

Count 6: First Amendment – Facial and As-Applied Challenge to La. Rev. Stat. § 18:1463(C)(1)

(Against Defendants Murrill, Landry, and Garber, in Their Official Capacities, for Prospective Relief)

183. Mr. Lau realleges and incorporates by reference the preceding allegations.

184. La. Rev. Stat. § 18:1463(C)(1) is unconstitutional on its face and as applied to Mr. Lau.

185. Subsection (C)(1) is a content-based restriction of core political speech. It applies only to statements about candidates and ballot propositions, and it punishes them because of their content. A content-based law is presumptively unconstitutional and may be justified only if it is narrowly tailored to serve a compelling state interest. *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015).

186. The First Amendment does not permit the government to punish false statements merely because they are false. *Alvarez*, 567 U.S. at 718–19 (plurality opinion). Even where false statements about public officials may be sanctioned, the speaker must have acted with knowledge of falsity or reckless disregard for the truth. *Garrison*, 379 U.S. at 74; *Sullivan*, 376 U.S. at 279–80.

187. Subsection (C)(1) imposes felony liability on any person who "should be reasonably expected to know" that a statement is false, a negligence standard. It does not require knowledge of falsity, reckless disregard, materiality, reliance, or harm.

188. Subsection (C)(1) is not narrowly tailored to any compelling interest. Counterspeech, disclosure requirements, and the civil injunction already available to affected candidates under La. Rev. Stat. § 18:1463(D) are less restrictive alternatives. *See Alvarez*, 567 U.S. at 726–29 (plurality opinion).

189. Courts have struck down comparable election false-statement laws, including laws that required knowledge of falsity. *281 Care Comm. v. Arneson*, 766 F.3d 774, 785–96 (8th Cir. 2014); *Susan B. Anthony List v. Driehaus*, 814 F.3d 466, 473–76 (6th Cir. 2016); *Commonwealth v. Lucas*, 34 N.E.3d 1242, 1257 (Mass. 2015).

190. As applied to Mr. Lau, Subsection (C)(1) punishes political speech that obtained no money or property, defamed no one, and concerned a public candidate who was a sitting public official.

191. Mr. Lau faces a credible threat of prosecution. He has been arrested under Subsection (C)(1); the investigation remains open; the State may still charge him; the Attorney General has defended the statute's constitutionality in proceedings concerning him; and the District Attorney has stated that the Attorney General would prosecute. Mr. Lau also intends to continue engaging in political speech that Defendants could deem false under the statute. *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158–59 (2014).

192. Each official-capacity Defendant has a sufficient connection to the enforcement of Subsection (C)(1) to be a proper defendant under *Ex parte Young*, 209 U.S. 123, 157 (1908). Landry has charge of criminal prosecutions in the Fifteenth Judicial District. La. Const. art. V, § 26(B). Murrill's office participated in Mr. Lau's investigation and arrest, has appeared to defend the statute in proceedings concerning him, and, on information and

belief, would prosecute any charge against him. Garber's office enforces the statute by arrest and has done so against Mr. Lau.

193. No state prosecution of Mr. Lau is pending, and this action does not seek to enjoin any pending state criminal proceeding. *Steffel v. Thompson*, 415 U.S. 452, 475 (1974).

Count 7: First Amendment – Overbreadth
(Against Defendants Murrill, Landry, and Garber, in Their Official Capacities, for Prospective Relief)

194. Mr. Lau realleges and incorporates by reference the preceding allegations.

195. A law is facially invalid under the First Amendment if a substantial number of its applications are unconstitutional, judged in relation to its plainly legitimate sweep. *United States v. Stevens*, 559 U.S. 460, 473 (2010); *Moody v. NetChoice, LLC*, 603 U.S. 707, 723 (2024).

196. Subsection (C)(1) reaches any oral, visual, digital, or written statement about any candidate or ballot proposition that a speaker should reasonably be expected to know is false, including negligent misstatements, hyperbole, satire, and opinion that an officer or prosecutor deems false. A substantial number of its applications reach protected speech.

197. Subsection (C)(1) is unconstitutionally overbroad on its face and violates the First Amendment.

Count 8: First and Fourteenth Amendments – Vagueness
(Against Defendants Murrill, Landry, and Garber, in Their Official Capacities, for Prospective Relief)

198. Mr. Lau realleges and incorporates by reference the preceding allegations.

199. La. Rev. Stat. § 18:1463(C)(1) "fail[s] to provide the kind of notice that will enable ordinary people to understand what conduct it prohibits" and "authorize[s] and even

encourage[s] arbitrary and discriminatory enforcement." *City of Chicago v. Morales*, 527 U.S. 41, 56 (1999).

200. In both of those respects, the law is unconstitutionally vague.

201. The statute's operative terms, including "false statement" and "about a candidate," and its standard of what a speaker "should be reasonably expected to know," are so standardless that the statute "authorizes or encourages seriously discriminatory enforcement." *United States v. Williams*, 553 U.S. 285, 304 (2008).

202. The statute does not define when a statement is "false" or when it is "about a candidate," and it contains no standards to guide law enforcement officers. This case illustrates the problem: Defendants treated a repost of a candidate's own campaign video, attributed to a pseudonymous group, as a false statement "about" that candidate.

203. In each respect, Subsection (C)(1) violates the First and Fourteenth Amendments.

STATE LAW CLAIMS

Against Defendants Vanmieghem, the LPSO Deputies, the AG Investigators, and Garber in his individual and official capacities, as specified below

204. The acts of Defendants alleged in Counts 9 through 13 were operational rather than policymaking acts and constitute criminal, fraudulent, malicious, intentional, willful, outrageous, reckless, or flagrant misconduct. Louisiana's discretionary-function immunity does not apply. La. Rev. Stat. § 9:2798.1(C)(2).

Count 9: Conversion

205. Mr. Lau realleges and incorporates by reference the preceding allegations.

206. Under Louisiana law, a conversion is committed when, among other things, possession of a chattel is acquired in an unauthorized manner, possession is withheld from

the owner or possessor, or the chattel is used improperly. *Dual Drilling Co. v. Mills Equip. Invs., Inc.*, 98-0343, p. 4 (La. 12/1/98), 721 So. 2d 853, 857.

207. At all times relevant to this action, Mr. Lau was the lawful owner or co-owner of, or the lawful possessor with an immediate right to possession of, each of the following categories of property seized by Defendants on March 13, 2025:

a) Mr. Lau's personal electronic devices, including mobile phones, tablets, and computers seized from his person, his home, and his vehicle;

b) The accounting computer of RM Partners, a company Mr. Lau co-owns and manages, which was in his lawful custody and control;

c) The Chevron-issued laptop, which Chevron entrusted to Mr. Lau and which was in his lawful custody for use in his engagement with Chevron; and

d) All data, files, business records, and personal information stored on or accessible through those devices.

208. As alleged in Count 1, the warrants under which Defendants took that property failed the Fourth Amendment's particularity requirement. The taking was therefore unauthorized at its inception.

209. Whatever authority Defendants may claim they had to hold the property has in any event expired. No bill of information has been filed against Mr. Lau, no indictment has been returned, and no proceeding is pending that supplies any lawful basis for possession.

210. Vanmieghem signed no return on either search warrant for 363 days after the searches, and Defendants left no inventory at either location. Defendants thus held Mr. Lau's property for a year without accounting for it to him or to the issuing court.

211. Defendants have released seized property when it suited them and withheld Mr. Lau's when it did not. That selection is a deliberate exercise of dominion over property that belongs to Mr. Lau, maintained without lawful justification.

212. Defendants have also conditioned the return of Mr. Lau's property on a demand the law does not authorize. When Defendants returned Mr. Lau's wife's iPhone and laptop in March 2026, they did so only on the condition that Mr. Lau unlock both devices in the presence of LPSO deputies, and they obtained access to the contents before releasing them. Defendants imposed the same condition on the Chevron-issued laptop the court had ordered returned, and Garber has imposed the same condition on the return of Mr. Lau's remaining property. No court order, subpoena, or warrant requires Mr. Lau to unlock anything.

213. Defendants' retention of Mr. Lau's property is a continuing conversion. Each day that Defendants hold the property without legal authority, the conversion continues and additional damages accrue. Mr. Lau is entitled to damages for the full period of unlawful retention, from March 13, 2025 through the date his property is returned.

Count 10: False Arrest and Imprisonment

214. Mr. Lau realleges and incorporates by reference the preceding allegations.

215. Under Louisiana law, false arrest and false imprisonment consist of the unlawful restraint of a person against his will, without lawful authority to do so. *Touchton v. Kroger Co.*, 512 So. 2d 520, 524 (La. App. 3 Cir. 1987).

216. The tort is established by proof that the defendant restrained the plaintiff's physical liberty and that the restraint was without legal justification.

217. On March 13, 2025, Defendants arrested Mr. Lau, physically restrained his person, transported him against his will to LPSO facilities, and caused him to be booked into the Lafayette Parish Correctional Center on a felony charge under a pre-set bond of $2,500. Mr. Lau did not consent to his arrest, his detention, or his booking.

218. The arrest of Mr. Lau was predicated entirely on a charge under La. Rev. Stat. § 18:1463(C)(1). As alleged in Counts 4 and 6, that statute is unconstitutional under the First and Fourteenth Amendments to the United States Constitution and Article I, Section 7 of the Louisiana Constitution.

219. For the reasons alleged in Count 4, Defendants lacked probable cause and lawful authority to arrest Mr. Lau, both because the conduct alleged was not a false statement "about a candidate" within Subsection (C)(1) and because that subsection is so flagrantly unconstitutional that no reasonable officer could rely on it. The restraint of Mr. Lau's person was therefore without lawful authority.

Count 11: Abuse of Process

220. Mr. Lau realleges and incorporates by reference the preceding allegations.

221. In Louisiana, "[a]buse of process is a cause of action originating from the common law and recognized under our jurisprudence as a compensable tort under LSA-C.C. art. 2315." *Simon v. Perret*, 619 So. 2d 155, 157 (La. App. 3 Cir. 1993). The essential elements of a cause of action for abuse of process are (1) the existence of an ulterior purpose; and (2) a willful act in the use of the process not in the regular prosecution of the proceeding. *Hebert v. La. Licensed Prof'l Voc. Rehab. Counselors*, 07-610, pp. 8–9 (La. App. 3 Cir. 3/4/09), 4 So. 3d 1002, 1009 (citing *Vasseur v. Eunice Superette, Inc.*, 386 So. 2d 692 (La. App. 3 Cir. 1980)).

222. Defendants are liable to Mr. Lau for abuse of process, first, in the decision to invoke the arrest and warrant process as a tool of political punishment, and second in the ongoing use of the seizure as leverage to compel access to property contents that Defendants have no independent authority to obtain.

223. As alleged throughout this complaint, the investigation, arrest, and search of Mr. Lau were driven by political considerations rather than legitimate law enforcement purposes. Complaints about speech attributed to Mr. Lau drew no action before the election. After the election, the matter was revived; the warrants were signed the day after the winning candidate was sworn in; and the arrest was executed the next day. Garber, who has told others he intended to run for the United States Senate against a candidate Mr. Lau was advising, had a personal political interest in disabling Mr. Lau's work. The resulting seizure took every device in Mr. Lau's home and deprived him of the tools of his profession.

224. The use of the warrant and arrest process in this manner — to punish protected political speech, to disrupt the work of a political consultant advising the Sheriff's prospective rival, and to serve the Sheriff's personal political interests — is an ulterior purpose wholly outside the legitimate scope of law enforcement process. It is not a purpose for which the arrest warrant, the search warrant, or any other instrument of criminal process was designed.

225. The willful acts in furtherance of that ulterior purpose are established by the same facts: the revival, only after the election, of a matter law enforcement had previously declined to pursue; the decision to move within forty-eight hours of the winner taking office; the overbreadth of the warrants, which swept far beyond any legitimate evidentiary

need; the failure to leave any inventory at either search location; and the failure to file official property paperwork for nearly a year.

226. None of those acts is consistent with the regular, proper conduct of a law enforcement proceeding aimed at genuine criminal investigation. Each reflects the exercise of official power in service of an objective the process was never meant to advance. The use of the arrest and search process as described constitutes abuse of process under Louisiana law.

227. Moreover, Defendants have used the ongoing seizure of Mr. Lau's property as the instrument by which they seek to compel Mr. Lau to provide access to the contents of his devices, access they cannot obtain through any lawful independent process.

228. Defendants have conditioned the return of Mr. Lau's property on Mr. Lau unlocking the devices in the presence of LPSO deputies. That condition has no legal basis, and Defendants imposed it even on property a court had ordered returned. No court has issued any order requiring Mr. Lau to unlock his devices. No lawful process — no subpoena, no court order, no search warrant directed at the device contents — has been obtained requiring Mr. Lau to provide access to anything.

229. The use of seized property as bargaining leverage to induce the owner to provide access that cannot be compelled through legitimate process is a textbook abuse of process.

Count 12: Louisiana Constitution, Article I, Sections 5 and 7

230. Mr. Lau realleges and incorporates by reference the preceding allegations.

231. Article I, Section 5 of the Louisiana Constitution protects every person against unreasonable searches, seizures, and invasions of privacy, and Article I, Section 7 provides that no law shall curtail or restrain the freedom of speech. A damages action lies against

state actors who violate these provisions. *Moresi v. State, Dep't of Wildlife & Fisheries*, 567 So. 2d 1081, 1093 (La. 1990).

232. For the reasons alleged in Counts 1 through 5, Vanmieghem, the LPSO Deputies, and the AG Investigators violated Mr. Lau's rights under Article I, Sections 5 and 7. Their conduct was not objectively reasonable in light of clearly established law, and they are liable to Mr. Lau in their individual capacities.

233. Article I, Section 5 expressly protects against invasions of privacy, including Defendants' demand for access to the contents of Mr. Lau's devices as a condition of their return.

Count 13: Vicarious Liability (La. Civ. Code art. 2320)

234. Mr. Lau realleges and incorporates by reference the preceding allegations.

235. Garber, in his official capacity as Sheriff of Lafayette Parish, is the employer of Vanmieghem and the LPSO Deputies, who committed the torts alleged in Counts 9 through 12 in the course and scope of their employment. Garber, in his official capacity, is vicariously liable for those torts under La. Civ. Code art. 2320.

PUNITIVE DAMAGES

236. The conduct of Vanmieghem, the LPSO Deputies, the AG Investigators, and Garber alleged above was motivated by evil motive or intent, or involved reckless or callous indifference to Mr. Lau's federally protected rights, entitling Mr. Lau to punitive damages against each of them in their individual capacities under 42 U.S.C. § 1983. *Smith v. Wade*, 461 U.S. 30, 56 (1983).

PRAYER FOR RELIEF

In conclusion, Defendants used the criminal process to search Mr. Lau's home and place of business, to arrest him, and to take the instruments of his trade, causing him personal pain and suffering, emotional distress, and loss of business and profits, all under a statute that criminalizes political speech in a manner that is patently unconstitutional. More than nineteen months later, they have filed no charge, returned no indictment, and refused to show him the warrant under which they arrested him. They condition any return of his property on Mr. Lau unlocking his devices in front of them for inspection. Mr. Lau is entitled to his property, compensation for the losses Defendants' actions have caused, and a judgment that the statute Defendants invoked cannot be enforced against him.

WHEREFORE, Plaintiff, CHUN PING "EDDIE" LAU respectfully prays that this Court:

A. DECLARE, pursuant to 28 U.S.C. § 2201, that La. Rev. Stat. § 18:1463(C)(1) is unconstitutional on its face and as applied to Mr. Lau under the First and Fourteenth Amendments to the United States Constitution;

B. DECLARE, pursuant to 28 U.S.C. § 2201, that La. Rev. Stat. § 18:1463(C)(1) is unconstitutionally overbroad and vague under the First and Fourteenth Amendments to the United States Constitution;

C. PRELIMINARILY AND PERMANENTLY ENJOIN, pursuant to 28 U.S.C. § 2202 and Federal Rule of Civil Procedure 65, Defendants Murrill, Landry, and Garber, in their official capacities, together with their officers, agents, employees, successors, and all persons acting in concert with them, from enforcing La. Rev. Stat. § 18:1463(C)(1) against Mr. Lau;

D. PRELIMINARILY AND PERMANENTLY ORDER Defendant Garber, in his official capacity, and the Lafayette Parish Sheriff's Office to: (i) return to Mr. Lau, immediately and without condition, every item of property seized from his person, vehicle, residence, and place of business on March 13, 2025 that remains in their custody or control, including all of his personal electronic devices, the RM Partners accounting computer, and the Chevron-issued laptop, together with all data and files stored on them; (ii) provide a sworn accounting of every item seized, including items not listed on the warrant returns; (iii) return, or certify the destruction of, all forensic images, copies, and extractions of data from any seized device; and (iv) refrain from searching or accessing the contents of any seized device or data absent a new warrant;

E. AWARD Mr. Lau compensatory damages against Vanmieghem, the LPSO Deputies, the AG Investigators, and Garber, in his individual and official capacities, jointly and severally, in an amount to be determined at trial, for:

i. The loss of Mr. Lau's contract with Chevron and of additional consulting contracts and the income from them;
ii. The impairment of Mr. Lau's ability to operate RM Partners;
iii. The loss of the use and value of his property from March 13, 2025 through the date it is returned;
iv. Damage to his professional and personal reputation;
v. The cancellation of his Louisiana concealed-carry permit and the costs of seeking its restoration;
vi. The loss of his ability to pursue naturalization while this matter remains unresolved;
vii. Out-of-pocket expenses, including bond costs, criminal defense fees, device and software replacement costs, data and records reconstruction costs, and medical expenses;
viii. Loss of future earning capacity; and
ix. Mental anguish, mental distress, professional humiliation, inconvenience, and loss of liberty;

F. AWARD Mr. Lau punitive damages against Vanmieghem, the LPSO Deputies, the AG Investigators, and Garber, each in his or her individual capacity;

G. AWARD Mr. Lau nominal damages on each claim for which compensatory damages are not awarded;

H. AWARD Mr. Lau reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988(b), including against Defendants Murrill, Landry, and Garber in their official capacities as to the prospective relief obtained, together with taxable costs under 28 U.S.C. § 1920 and Federal Rule of Civil Procedure 54(d);

I. AWARD prejudgment interest on all federal claims as permitted by law, legal interest on all Louisiana claims from the date of judicial demand under La. Rev. Stat. § 13:4203, and post-judgment interest under 28 U.S.C. § 1961; and

J. GRANT any such other and further relief, at law or in equity, which the law may allow, and this Court deems just and proper.

Dated: November 4, 2026

Respectfully Submitted:

STERNBERG NACCARI & WHITE LLC

By: */s/ Scott L. Sternberg*
Scott L. Sternberg, La. Bar No. 33390
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WINSTON BERGERON, LLP

By: */s/ Evan J. Bergeron*
Evan J. Bergeron, La. Bar No. 33725
Andrew A. Maberry, La. Bar No. 38825
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andy@winstonbergeron.com

Attorneys for Eddie Lau

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

CHUN PING LAU

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
STERNBERG, NACCARI & WHITE, LLC
935 GRAVIER STREET, STE. 1800
NEW ORLEANS, LA 70112

DEFENDANTS

LIZ MURRILL

County of Residence of First Listed Defendant EAST BATON ROUGE
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane	☐ 365 Personal Injury - Product Liability	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 315 Airplane Product Liability	☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability		INTELLECTUAL PROPERTY RIGHTS	☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	☐ 320 Assault, Libel & Slander	☐ 368 Asbestos Personal Injury Product Liability		☐ 820 Copyrights	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 330 Federal Employers' Liability	PERSONAL PROPERTY	LABOR	☐ 830 Patent	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 340 Marine	☐ 370 Other Fraud	☐ 710 Fair Labor Standards Act	☐ 835 Patent - Abbreviated New Drug Application	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 345 Marine Product Liability	☐ 371 Truth in Lending	☐ 720 Labor/Management Relations	☐ 840 Trademark	☐ 460 Deportation
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 350 Motor Vehicle	☐ 380 Other Personal Property Damage	☐ 740 Railway Labor Act	☐ 880 Defend Trade Secrets Act of 2016	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle Product Liability	☐ 385 Property Damage Product Liability	☐ 751 Family and Medical Leave Act	SOCIAL SECURITY	☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 190 Other Contract	☐ 360 Other Personal Injury		☐ 790 Other Labor Litigation	☐ 861 HIA (1395ff)	☐ 485 Telephone Consumer Protection Act
☐ 195 Contract Product Liability	☐ 362 Personal Injury - Medical Malpractice		☐ 791 Employee Retirement Income Security Act	☐ 862 Black Lung (923)	☐ 490 Cable/Sat TV
☐ 196 Franchise				☐ 863 DIWC/DIWW (405(g))	☐ 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION	☐ 864 SSID Title XVI	☐ 890 Other Statutory Actions
☐ 210 Land Condemnation	☒ 440 Other Civil Rights	Habeas Corpus:	☐ 462 Naturalization Application	☐ 865 RSI (405(g))	☐ 891 Agricultural Acts
☐ 220 Foreclosure	☐ 441 Voting	☐ 463 Alien Detainee	☐ 465 Other Immigration Actions	FEDERAL TAX SUITS	☐ 893 Environmental Matters
☐ 230 Rent Lease & Ejectment	☐ 442 Employment	☐ 510 Motions to Vacate Sentence		☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 895 Freedom of Information Act
☐ 240 Torts to Land	☐ 443 Housing/ Accommodations	☐ 530 General		☐ 871 IRS—Third Party 26 USC 7609	☐ 896 Arbitration
☐ 245 Tort Product Liability	☐ 445 Amer. w/Disabilities - Employment	☐ 535 Death Penalty			☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 290 All Other Real Property	☐ 446 Amer. w/Disabilities - Other	Other:			☐ 950 Constitutionality of State Statutes
	☐ 448 Education	☐ 540 Mandamus & Other			
		☐ 550 Civil Rights			
		☐ 555 Prison Condition			
		☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
42 U.S.C. § 1983

Brief description of cause:
Violation of First, Fourth and Fourteenth Amendments to the U.S. Constitution

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE
11/4/2026

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

State of Louisiana Secretary of State

COMMERCIAL DIVISION
225.925.4704

Fax Numbers
225.932.5317 (Admin. Services)
225.932.5314 (Corporations)
225.932.5318 (UCC)

Name	Type	City	Status
THE LADY DEMS OF ACADIANA	Non-Profit Corporation	LAFAYETTE	Inactive

Previous Names

Business: THE LADY DEMS OF ACADIANA
Charter Number: 43370727N
Registration Date: 3/1/2019

Domicile Address
205 RICHLAND AVENUE
LAFAYETTE, LA 70508

Mailing Address
205 RICHLAND AVENUE
LAFAYETTE, LA 70508

Status

Status: **Inactive**
Inactive Reason: **Action By Secretary of State**
File Date: 3/1/2019
Last Report Filed: N/A
Type: Non-Profit Corporation

Registered Agent(s)

Agent: KATHERINE BERNHARDT
Address 1: 921 KALISTE SALOOM RD
City, State, Zip: LAFAYETTE, LA 70508
Appointment Date: 3/1/2019

Officer(s)

Additional Officers: No

Officer: LESLIE BOURQUE
Title: President, Director
Address 1: 205 RICHLAND

EXHIBIT A

City, State, Zip:	LAFAYETTE, LA 70508

Officer:	VICKI MORAS
Title:	Vice-President, Director
Address 1:	421 FARMINGTON
City, State, Zip:	LAFAYETTE, LA 70503

Amendments on File (1)

Description	Date
Revoked	5/16/2022

Print

EXHIBIT A



Lafayette man arrested for felony political ethics violation

Lafayette, LA—A felony arrest has been made as a result of a cyber investigation led by Lafayette Parish Sheriff's Office Criminal Investigation Division in conjunction with the Louisiana Attorney General's Office Bureau of Investigation (LBI).

Chun Ping "Eddie" Lau, 47, was taken into custody in Lafayette Wednesday morning. Lau is charged with violating *Louisiana RS 18:1463 C(1)—Political material; ethics; prohibitions* following an investigation into a February complaint involving misinformation distributed during the recent election for Senate District 23.

Investigators found evidence of Lau's alleged involvement in the release of false information regarding a political candidate leading up to the February 15th election.

Based on the information uncovered by detectives throughout the investigation, search warrants were granted for both Lau's residence and business address; An arrest warrant for Lau was also issued by a 15th Judicial District Judge. During the execution of the search warrants, various electronic devices were seized by detectives for processing and further evidence gathering. Lau was taken into custody and booked into the Lafayette Parish Correctional Center on the aforementioned charge.

This case remains under investigation as forensic examination continues both digitally, and on the devices seized by law enforcement. A preset bond of $2,500 was issued for Lau's release. No further information is available at this time.

###

EXHIBIT B

1048 AM
1145 AM

15TH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE
STATE OF LOUISIANA

CASE NUMBER: 25-00032962

WARRANT NUMBER:

SEARCH AND SEIZURE WARRANT

AFFIDAVIT HAVING BEEN MADE BEFORE ME BY Wesley Vanmieghem of the Lafayette Parish Sheriff's Office, that he has a good reason to believe that on or in:

RM Partners, LLC 1600 Camelia Blvd. Bldg. F-100
Lafayette, Louisiana 70508

Further described as:

Brick structure at the south west corner of 1600 Camelia Blvd. with F on the west side. Front door to the business is facing west into the parking lot. The rear of the building faces east along Camelia Blvd.

To arrive at the said location:

From the intersection of Kaliste Saloom Road and Camelia Blvd., travel south on Camelia Blvd approximately 1900 ft. The entrance to 1600 Camelia Blvd. will be on the right. Once in the parking lot, Building F is the last building on the left.

there is now being concealed certain property, **namely:**

Any computers (laptop or desktop), tablets, cellular devices, or any other device that can be used to send emails or access Facebook.

Due to the volatile nature of system memory, any laptop or desktop that is located on and plugged in will have a "memory dump" completed prior to being taken into custody. The memory dump shall consist of making a copy of all information located in the volatile memory of the device that would be lost when the device is turned off.

is/are located, which property constitutes evidence of the violation of:

*1 Count of 18:1463--Political Materal: Ethics: Prohibitions-- (Felony)

of the Louisiana Revised Statutes, and the affidavit submitted in support of this search warrant shows the necessary probable cause for its issuance. The purpose and reason for the search is to find and seize the item(s) listed above.

YOU ARE HEREBY ORDERED to search forthwith the aforesaid for the property specified serving this Search and Seizure Warrant and making the search during the day time or night time, Sundays or holidays, and if the thing(s) specified are found there, to seize it and hold them in safe custody pending further orders of the court. This shall be your warrant, whereof you are to make due to return according to law.

Case Number 25-00032962 Warrant Number Approved on Mar. 12, 2025 at 09:52 AM

EXHIBIT C

WITNESS my official signature, 12 day of Mar, 2025 at 09:52 AM in LAFAYETTE Parish, Louisiana.



Judge Andre Doguet
15TH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE
STATE OF LOUISIANA

Case Number. 25-00032962 Warrant Number: Approved on: Mar. 12, 2025 at 09:52 AM

EXHIBIT C

15TH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE
STATE OF LOUISIANA

CASE NUMBER: 25-00032962 **WARRANT NUMBER:**

SEARCH AND SEIZURE WARRANT

AFFIDAVIT HAVING BEEN MADE BEFORE ME BY Wesley Vanmieghem of the Lafayette Parish Sheriff's Office, that he has a good reason to believe that on or in:

105 Springwood Circle
Lafayette, 70508

Further described as:

Brick residence, garage on the left. Front door of the residence faces south. Alarm sign near the south west corner of the structure with the address 105 on it.

To arrive at the said location:

From the intersection of Kaliste Saloom Road and Camelia Blvd., west on Kaliste Saloom approximately 0.4 miles. Turn left onto Steiner Road and travel approximately 0.4 miles to East Bayou Parkway. Turn right and travel east on East Bayou Parkway approximately 0.4 miles. Turn left and travel north on Enchanted Oak Blvd. approximately 150 feet. Turn right and travel east on Springwood Circle and travel approximately 125 feet. The residence of 105 Springwood Circle is the second house on the left (northside of roadway).

there is now being concealed certain property, namely:

Any computers (laptop or desktop), tablets, cellular devices, or any other device that can be used to send emails or access Facebook.

Due to the volatile nature of system memory, any laptop or desktop that is located on and plugged in will have a "memory dump" completed prior to being taken into custody. The memory dump shall consist of making a copy of all information located in the volatile memory of the device that would be lost when the device is turned off.

is/are located, which property constitutes evidence of the violation of:

*1 Count of 18:1463--Political Materal; Ethics; Prohibitions-- (Felony)

of the Louisiana Revised Statutes, and the affidavit submitted in support of this search warrant shows the necessary probable cause for its issuance. The purpose and reason for the search is to find and seize the item(s) listed above.

YOU ARE HEREBY ORDERED to search forthwith the aforesaid for the property specified serving this Search and Seizure Warrant and making the search during the day time or night time, Sundays or holidays,

EXHIBIT D

and if the thing(s) specified are found there, to seize it and hold them in safe custody pending further orders of the court. This shall be your warrant, whereof you are to make due to return according to law.

WITNESS my official signature, 12 day of Mar, 2025 at 09:51 AM in LAFAYETTE Parish, Louisiana

Judge Andre Doguet
15TH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE
STATE OF LOUISIANA

Case Number [illegible] Warrant Number Approved on Mar 12 2025 at 09:51 AM

EXHIBIT D

15TH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE
STATE OF LOUISIANA

CASE NUMBER: **25-00032962**

WARRANT NUMBER:

RETURN OF SEARCH WARRANT

Pursuant to a search warrant issued to me by the Honorable Andre Doguet**,** of the 15TH JUDICIAL DISTRICT COURT, I, **Wesley Vanmieghem**, did on **03/13/2025 at 10:49** proceed to and did search RM Partners, LLC 1600 Camelia Blvd. Bldg. F-100Lafayette, Louisiana 70508, further described as:

Brick structure at the south west corner of 1600 Camelia Blvd. with F on the west side. Front door to the business is facing west into the parking lot. The rear of the building faces east along Camelia Blvd. and found therein the following:
Red and Black Lenovo 11AD Computer bearing serial #MJ0CV588
Finding no other items, I terminated my search on **03/13/2025 at 11:16.**

I have taken the above described items into my possession and do hereby make my return to the Honorable Andre Doguet on this 11 day of March, 2026.

Wesley Vanmieghem

Wesley Vanmieghem
Affiant

CERTIFICATE OF RECEIPT OF RETURN OF SEARCH WARRANT

This is to certify that I, Andre Doguet**,** Judge of the 15TH JUDICIAL DISTRICT COURT, have this day received a return of a warrant issued by me to Andre Doguet this 11 day of Mar, 2026 at 06:47 PM.

Andre Doguet

Judge Andre Doguet
15TH JUDICIAL DISTRICT COURT
Parish of LAFAYETTE
State of Louisiana

EXHIBIT E

15TH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE
STATE OF LOUISIANA

CASE NUMBER: **25-00032962**

WARRANT NUMBER:

RETURN OF SEARCH WARRANT

Pursuant to a search warrant issued to me by the Honorable Andre Doguet, of the 15TH JUDICIAL DISTRICT COURT, I, **Wesley Vanmieghem**, did on **03/13/2025 at 11:12** proceed to and did search 105 Springwood Circle Lafayette, Louisiana 70508, further described as:

Brick residence, garage on the left. Front door of the residence faces south. Alarm sign near the south west corner of the structure with the address 105 on it.
and found therein the following:

Lenovo ThinkPad X1 Carbon Gen 3 Laptop w/ power cable
Lenovo ThinkPad X1 Carbon Gen 8 Laptop
Lenovo ThinkPad T590 Laptop
Lenovo ThinkPad LDA-KP Universal USB-C Dock w/ USB-C Cable & Power Cable
Lenovo ThinkPad X100e Laptop
Lenovo ThinkPad T61 Laptop w/ Power Cable
Lenovo ThinkPad T14 Gen 2 Laptop
Apple MacBook Pro A2485 w/ Power Cable
Apple MacBook Pro A1398 Laptop
Apple iPad A2377 Tablet w/ Soft Case
Apple iPad A1475 Tablet w/ Hard Case
Apple iPad A1893 Tablet w/ Hard Case
Lenovo ThinkPad 1838-22U Tablet
Apple iPhone w/ Gray Soft Case
Apple iPhone w/ Glitter Soft Case
LG Cellphone w/ Black Soft Case
LG Cellphone w/ Black Soft Case
LG Cellphone w/ Black Soft Case

Finding no other items, I terminated my search on **03/13/2025 at 12:06.**

I have taken the above described items into my possession and do hereby make my return to the Honorable Andre Doguet on this 11 day of March, 2026.

Wesley Vanmieghem

Wesley Vanmieghem
Affiant

CERTIFICATE OF RECEIPT OF RETURN OF SEARCH WARRANT

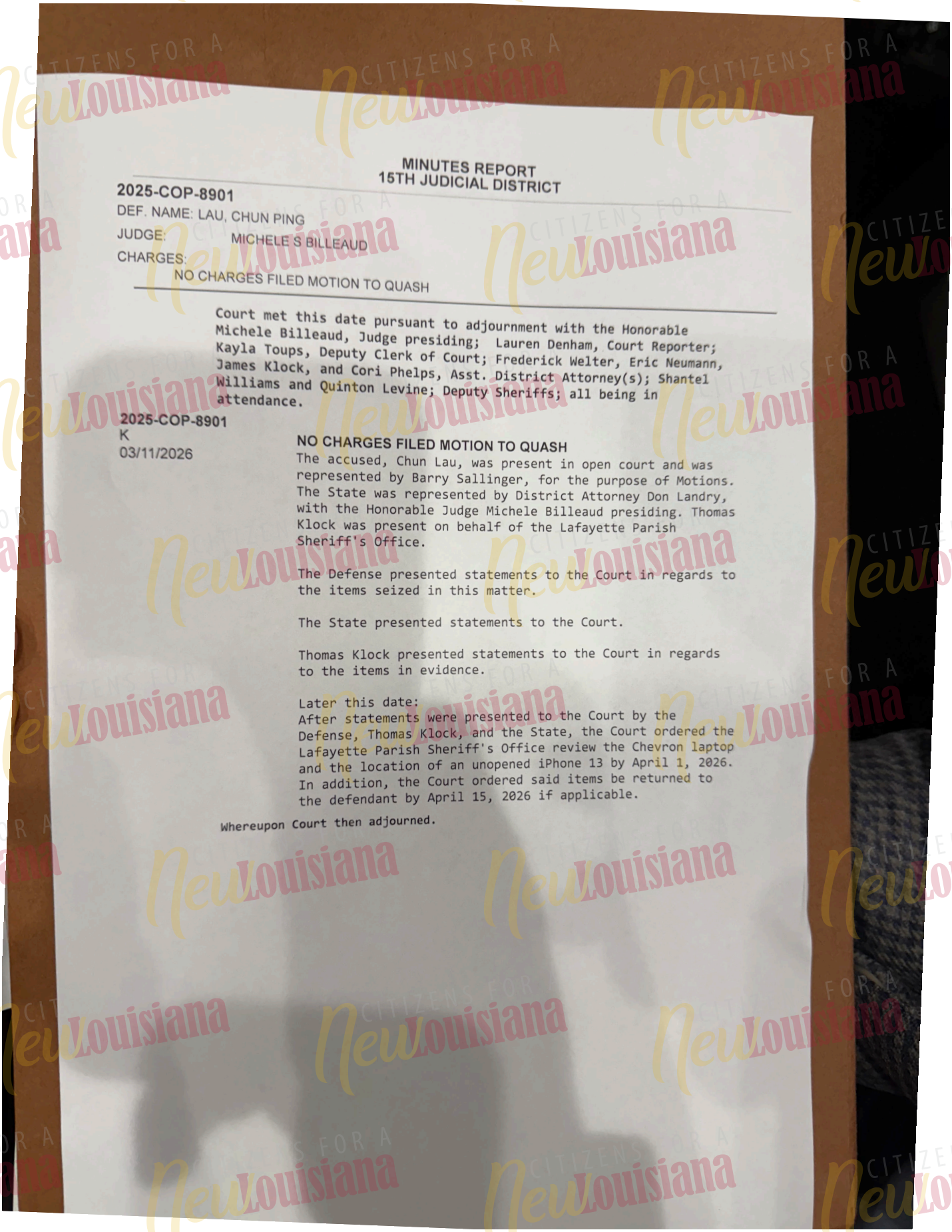
EXHIBIT F

This is to certify that I, Andre Doguet**,** Judge of the 15TH JUDICIAL DISTRICT COURT, have this day received a return of a warrant issued by me to Andre Doguet this 11 day of Mar, 2026 at 06:47 PM.



Judge Andre Doguet
15TH JUDICIAL DISTRICT COURT
Parish of LAFAYETTE
State of Louisiana

EXHIBIT F



MINUTES REPORT
15TH JUDICIAL DISTRICT

2025-COP-8901
DEF. NAME: LAU, CHUN PING
JUDGE: MICHELE S BILLEAUD
CHARGES:
NO CHARGES FILED MOTION TO QUASH

Court met this date pursuant to adjournment with the Honorable Michele Billeaud, Judge presiding; Lauren Denham, Court Reporter; Kayla Toups, Deputy Clerk of Court; Frederick Welter, Eric Neumann, James Klock, and Cori Phelps, Asst. District Attorney(s); Shantel Williams and Quinton Levine; Deputy Sheriffs; all being in attendance.

2025-COP-8901
K
03/11/2026

NO CHARGES FILED MOTION TO QUASH

The accused, Chun Lau, was present in open court and was represented by Barry Sallinger, for the purpose of Motions. The State was represented by District Attorney Don Landry, with the Honorable Judge Michele Billeaud presiding. Thomas Klock was present on behalf of the Lafayette Parish Sheriff's Office.

The Defense presented statements to the Court in regards to the items seized in this matter.

The State presented statements to the Court.

Thomas Klock presented statements to the Court in regards to the items in evidence.

Later this date:
After statements were presented to the Court by the Defense, Thomas Klock, and the State, the Court ordered the Lafayette Parish Sheriff's Office review the Chevron laptop and the location of an unopened iPhone 13 by April 1, 2026. In addition, the Court ordered said items be returned to the defendant by April 15, 2026 if applicable.

Whereupon Court then adjourned.

EXHIBIT G

STATE OF LOUISIANA	:	15TH JUDICIAL DISTRICT COURT
VERSUS	:	DOCKET NUMBER
CHUN PING LAU	:	LAFAYETTE PARISH, LOUISIANA

MOTION TO QUASH SEARCH WARRANT, SUPPRESS EVIDENCE, AND RETURN SEIZED ITEMS

NOW INTO COURT, through undersigned counsel, comes CHUN PING LAU ("Eddie"), who moves this court to quash the search warrant executed on or about March 12, 2025 by unknown/unidentified deputies with the Lafayette Parish Sheriff's Office ("LPSO"), suppress all evidence obtained therefrom, and immediately return all items as the investigation and execution of the warrant are based on a law that was ruled unconstitutional over 35 years ago, rendering the warrant invalid *ab initio* and all derivative evidence inadmissible. Further, Eddie is seeking an Order from this court casting the Lafayette Parish Sheriff's Office for all costs associated with these proceedings, including reimbursement and attorney's fees; and, for all other relief equitable in the premises.

RESPECTFULLY SUBMITTED:

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EXHIBIT H

STATE OF LOUISIANA	:	15TH JUDICIAL DISTRICT COURT
VERSUS	:	DOCKET NUMBER
CHUN PING LAU	:	LAFAYETTE PARISH, LOUISIANA

MEMORANDUM IN SUPPORT OF MOTION TO QUASH SEARCH WARRANT, SUPPRESS EVIDENCE, AND RETURN SEIZED PROPERTY

This Memorandum is submitted on behalf of CHUN PING LAU (Eddie) in support of his *Motion to Quash Search Warrant, Suppress Evidence, and Return Seized Items.*

1. Statement of facts

On or about March 12, 2025, 15th Judicial District Court Commissioner Andre Doguet signed a search warrant presumably presented on Affidavit by unknown/unidentified deputies with the Lafayette Parish Sheriff's Office (LPSO) for the following items:

> Any computers (laptop or desktop), tablets, cellular devices, or any other device that can be used to send emails or access Facebook.
>
> Due to the volatile nature of system memory, any laptop or desktop that is located on and plugged in will have a "memory dump" completed prior to being taken into custody. The memory dump shall consist of making a copy of all information located in the volatile memory of the device that would be lost when the device is turned off.

Thereafter, the same or other unknown/unidentified LPSO deputies executed the warrant at 105 Springwood Circle, Lafayette, LA 70508, Eddie's residence. See attached Exhibit "A." An identical search warrant was signed by Commissioner Doguet on that same date for RM Partners, LLC located at 1600 Camelia [sic] Blvd, Bldg. F-100, Lafayette, LA 70508, Eddie's office. See attached Exhibit "B."

Deputies seized every electronic device within Eddie's residence and office without making any determination of ownership, including without limitation an iPhone owned by his spouse and a computer owned by a business client. Further, Deputies failed to provide Eddie with a receipt describing the property seized in detail. They likewise did not leave same in the place where the property was seized. LSA-C.Cr.P. art. 166. Numerous requests to the LPSO for the return of devices owned by others proved fruitless.

Eddie was arrested, booked, and released on March 13, 2025 after posing bond. He was charged by LPSO with alleged violation of LSA-RS 18:1463 C(1).

EXHIBIT H

Presumably the LPSO actions follow an investigation into a February 2025 complaint involving alleged misinformation distributed during the recent election for Senate District 23 between Republicans, Brach Myers and Jesse Regan. Eddie consulted on Regan's campaign. Myers won the election and, on information and belief, filed a complaint with the LPSO.

2. Louisiana Revised Statute 18:1463(C)(1) has been held unconstitutional

According to LPSO, its investigation, the seizure of Eddie's and others' property, and Eddie's arrest are based upon LSA-R.S. 18:1463(C)(1).

https://lafayettesheriff.com/lafayette-man-arrested-for-felony-political-ethics-violation/

[Last visited July 11, 2025]

Louisiana Revised Statute 18:1463 was promulgated over 70 years ago by Acts 1952, No. 274, § 1. However, Legislative History reveals it may have even been prior to 1952 - "Prior Laws: Acts 1940, No. 46, § 91." The statute has been amended and reenacted 12 times. Proposed Legislation in the 2025 regular session, Senate Bill No. 197, failed to pass. Available and accessible Legislative History, Credits, and Notes provide three significant changes to subsection C(1) since 1988.

Prior to the 1988, subsection C(1) read:

> C. (1) No person shall publish, distribute or transmit, or cause to be published, distributed, or transmitted, any oral, visual, or written material containing any statement which makes scurrilous, false, or irresponsible adverse comment about a candidate for election in a primary or general election or about a proposition to be submitted to the voters, unless the publication contains the name(s) of the person(s) responsible for its publication.

In 1988, the Legislature amended the subsection to read as follows:

> No person shall cause to be distributed, or transmitted, any oral, visual, or written material containing any statement which he knows or should reasonably be expected to know makes a false statement about a candidate for election in a primary or general election or about a proposition to be submitted to the voters.

Acts 1988, No. Act 957, § 1.

In 2022, the word digital was added: " No person shall cause to be distributed, or transmitted, any oral, visual, digital ... ." Acts 2022, No. 39, § 1, eff. May 17, 2022.

Louisiana Revised Statute 18:1463(C)(1) has remained substantially unchanged for 37 years. The current version as relied on by LPSO provides:

> No person shall cause to be distributed, or transmitted, any oral, visual, digital, or written material containing any statement which he knows or should be reasonably expected to know makes a false statement about a candidate for election in a primary or general election or about a proposition to be submitted to the voters.

In 1987, Paul Burgess and James Fitzgerald were charged with violating LSA-R.S. 18:1463 (B) and C(1) when the Westbank Citizens for Better Government sent a letter supporting Burgess' candidacy and making statements against his opponent, N.J. Damico. The letter was signed by Fitzgerald and included a copy of a campaign flyer used by Damico in a prior election, showing he and former governor Edwin Edwards standing together and captioned "[v]ote the Edwards/Damico team." The trial court found both sections unconstitutional and quashed the bill of information. The Louisiana Supreme Court agreed and found that both sections were unconstitutional infringements on free speech. It specifically found that section (C)(1), the section Eddie is accused of violating, "is incompatible with basic guarantees under the federal and state constitutions." *State v. Burgess*, 543 So. 2d 1332 (La. 1989).

The Court first found that:

> The Supreme Court has noted that "[u]nder the First Amendment there is no such thing as a false idea." *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 341, 94 S.Ct. 2997, 3007, 41 L.Ed.2d 789 (1974). The first amendment is designed to protect discussions about "structures and forms of government, the manner in which government is operated or should be operated, and all such matters relating to political processes." *Mills v. Alabama*, 384 U.S. 214, 86 S.Ct. 1434, 16 L.Ed.2d 484 (1966). **Because La.R.S. 18:1463(C)(1) attempts to regulate the free discussion of candidates and propositions submitted to the voters, we find that it clearly impacts on speech protected by the first amendment.**

[Emphasis supplied]. *Id.* at 1335.

Acknowledging that the state can regulate protected speech, the next inquiry conducted was whether such restriction was justified. *Philadelphia Newspapers, Inc. v. Hepps*, 475 U.S. 767, 106 S.Ct. 1558, 89 L.Ed.2d 783 (1986). The Court ultimately held that subsection C(1) "infringes significantly on protected speech" reasoning that:

> We agree that the state has a strong interest in promoting fair elections. On the other hand, the right of free speech during an election is a powerful one. The Supreme Court has noted 'there is practically universal agreement that a major purpose of [the first amendment] was to protect the free discussion of governmental affairs.' *Mills, supra*. An important component of this right of free discussion is the right to publish anonymously. 'Persecuted groups and sects from time to time throughout history have been able to criticize oppressive practices and laws either anonymously or not at all.' *Talley, supra*. The state has presented no compelling reason why its interest in fair elections should outweigh the fundamental right of free anonymous political discussion. Indeed, the state has presented no evidence that anonymous 'scurrilous, false, or irresponsible adverse comment' has any negative effect on elections. Although the legislature has

> attempted to narrow the statute from that declared unconstitutional in *Fulton*, we find it has failed to do so. The catagories of 'scurrilous, false or irresponsible adverse comment' still significantly impact on protected speech. Given the fundamental constitutional rights involved and the lack of a compelling state interest, it is clear the balance must tip in favor of free speech. Therefore, we conclude that La.R.S. 18:1463(C)(1) is incompatible with basic guarantees under the federal and state constitutions.

Id. at 1336.

See also *State v. Moses*, 94-0489 (La. App. 4 Cir. 5/16/95), 655 So. 2d 779, 785 (We conclude that the right to distribute anonymous campaign literature is clearly protected by the First Amendment to the U.S. Constitution as interpreted by the U.S. Supreme Court and by article 1, Section 5 and 7 of the Louisiana Constitution. Accordingly, we declare LSA–R.S. 18:1463C(3) to be unconstitutional. We reverse the ruling of the trial court, grant the motion to quash, and dismiss the case.)

The Supreme Court next addressed the statute in *Kocher v. Truth in Pol., Inc.*, 2020-01153 (La. 12/22/20), 307 So. 3d 182 in the context of injunctive relief. Three days prior to the 2019 gubernatorial election, the plaintiff sought to enjoin the defendants from running allegedly false political campaign advertisements. The plaintiff obtained a temporary restraining order, the ads stopped, and the election occurred. Prior to the preliminary injunction hearing, the defendants filed an exception of no cause of action based on the completion of the election and the mootness of the petition.

In reversing the lower courts denial of the exception, the Louisiana Supreme Court held that:

> Louisiana Revised Statutes 18:1463 allows an affected voter or candidate to obtain an injunction to stop the dissemination of false information in order to maintain fairness and integrity in an election. The statute does not contemplate damages. See *Badeaux v. Sw. Computer Bureau, Inc.*, 05-0612 (La. 3/17/06), 929 So. 2d 1211. Thus, the only available remedy under Louisiana Revised Statutes 18:1463 is an injunction.

Id. at 183.

A series of unconstitutional acts that ultimately yields evidence cannot be justified after the fact simply because evidence is found. Evidence discovered as a result of an illegal search must be excluded from evidence as "fruit of the poisonous tree." To find a search legal based on what is found during the search would turn the Fourth Amendment upside down and completely eradicate this longstanding doctrine. *Wong Sun v. United States*, 371 U.S. 471, 488, 83 S.Ct. 407, 9 L.Ed.2d 441 (1963) and *State v. Bartie*, 19-01727,(La. 9/1/20), 340 So.3d 810, 815-16.

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The underlying investigation and warrant were explicitly and admittedly premised on Louisiana Revised Statutes § 18:1463(C)(1) which was declared unconstitutional more than 35 years ago. Because the warrant was grounded on a legally void and unenforceable statute, it is facially invalid, rendering the search and any fruits thereof unconstitutional under both the Louisiana and United States Constitutions.

Moreover, as LPSO has admitted reliance on this unconstitutional law as the legal basis for both its investigation and the application for the warrant, it is not merely error but reckless disregard of clearly established constitutional law. Such conduct demands not only judicial intervention to correct the violation, but also the imposition of all costs associated with these proceedings, including but not limited to reimbursement for property loss or damage and reasonable attorney's fees incurred in vindicating Eddie's constitutional rights.

WHEREFORE, CHUN PING LAU requests that an order issue demanding the State of Louisiana, through the Lafayette Parish District Attorney's Office and Lafayette Parish Sheriff Mark Garber to appear and show cause why the Search Warrant executed by unknown/unidentified Lafayette Parish Sheriff's Office Deputies should not be quashed, why all items seized from the home and office of CHUN PING LAU, should not be immediately returned, and why the Lafayette Parish Sheriff's Office should not be cast for all costs associated with these proceedings, including reimbursement to CHUN PING LAU, and for all other relief equitable in the premises.

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EXHIBIT H

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STATE OF LOUISIANA	:	15TH JUDICIAL DISTRICT COURT
VERSUS	:	DOCKET NUMBER
CHUN PING LAU	:	LAFAYETTE PARISH, LOUISIANA

ORDER

Considering the foregoing *Motion to Quash Search Warrant, Suppress Evidence, and Return Seized Items*;

IT IS HEREBY ORDERED that the State of Louisiana, through the Lafayette Parish District Attorney's Office, and Lafayette Parish Sheriff Mark Garber appear and show cause on the _____ day of July, 2025, at 8:30 a.m. why the following relief should not be GRANTED:

1. The search warrant executed by unknown/unidentified deputies of the Lafayette Parish Sheriff's Office on the residence and office of CHUN PING LAU be quashed;

2. All evidence obtained pursuant to said warrant be suppressed;

3. All items seized from the residence and office of CHUN PING LAU be immediately returned; and

4. The Lafayette Parish Sheriff's Office be cast with all costs of these proceedings, including reimbursement to CHUN PING LAU.

THUS DONE AND SIGNED in Lafayette, Louisiana, this ___ day of _____ 2025.

_____
DISTRICT JUDGE

PLEASE SERVE
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SHERIFF MARK GARBER
Lafayette Parish Sheriff's Office
316 West Main Street
Lafayette, Louisiana 70501

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STATE OF LOUISIANA
PARISH OF LAFAYETTE
15th JUDICIAL DISTRICT COURT

STATE OF LOUISIANA,

v.

CHUN PING LAU,

DIVISION: K
CASE NO: 2025-COP-8901

SUPPLEMENTAL BRIEF OF THE ATTORNEY GENERAL

The Attorney General appears in this criminal case to address whether the modern La. R.S. 18:1463(C)(1) remains constitutional after *State v. Burgess*, 543 So. 2d 1332 (La. 1989). The answer is an emphatic yes under any straightforward application *New York Times v. Sullivan*, 376 U.S. 254 (1964). And that result is no accident: In 1988, the Legislature amended La. R.S. 18:1463(C)(1)—in direct response to the *Burgess* trial court's ruling—to align the statute with what *Sullivan* requires. *See Burgess*, 543 So. 2d at 1334 n.3.

The irony is that La. R.S. 18:1463(C)(1) may be the only thing constitutional or lawful about this case. Before any charging document had even been filed from his March arrest, Chun Ping "Eddie" Lau unilaterally opened his own criminal case, installed the district attorney as a nominal prosecutor, and filed a freestanding motion seeking to quash executed warrants, suppress evidence mid-investigation, recover seized property with evidentiary value, declare invalid a state statute, and obtain fees and costs for doing so. Unsurprisingly, both that self-initiated criminal proceeding and the motion it spawned are unmoored from the

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Louisiana Constitution and the Code of Criminal Procedure. It is high time for this matter to be closed.

BACKGROUND

The Lafayette Parish Sheriff's Office conducted a cyber-investigation into false information circulated about then-candidate Brach Myers in the lead-up to the February 15 special election for Senate District 23. That investigation uncovered evidence that allegedly Lau intentionally and maliciously disseminated the false information to voters. In March 2025, the Sheriff's Office obtained and executed search warrants for Lau's home and office, authorizing the seizure of "[a]ny computers (laptop or desktop), tablets, cellular devices, or any other device that can be used to send emails or access Facebook." *See* Mot., Exs. A & B. The next day, deputies arrested Lau for violating La. R.S. 18:1463(C)(1). He was released upon posting a $2,500 bond.

Since Lau's arrest and release, the State has not initiated any criminal prosecution against Lau. He has not been indicted, charged, or arraigned. All that notwithstanding, on July 14, Lau opened his own criminal case, naming himself as defendant and assigning District Attorney Landry as prosecutor to represent the State against him. Within that self-generated criminal suit, Lau filed a free-standing "Motion to Quash Search Warrant, Suppress Evidence, and Return Seized Items"—and served District Attorney Landry and Sheriff Garber with that pleading. Through that motion, Lau asks the Court to quash the search warrants executed in March, to suppress evidence obtained

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from those searches and seizures, to order the return of all seized property, to declare unconstitutional the modern version of La. R.S. 18:1463(C)(1), and to award him costs and attorneys' fees.

Following an August 6, 2025, hearing, the Court continued the matter without date to allow notice to the Attorney General. It was not until September 26, 2025, that the Attorney General was served with Lau's motion. Just one week later—despite the Attorney General's modest out-of-court request that Lau's counsel work with the District Attorney to adopt a workable briefing schedule—Lau reset the hearing on the motion "on the first available date on the court's calendar." The Court set the motion for hearing on November 5, prompting the Attorney General to appear and move for an extension.[1] The Court granted that request and reset the hearing for December 3, 2025.

ARGUMENT

I. THE CONSTITUTION FORBIDS LAU'S PREEMPTIVE CRIMINAL SUIT TO LITIGATE THE CONSTITUTIONALITY OF A HYPOTHETICAL PROSECUTION.

Lau's freestanding criminal suit against himself offends nearly every constitutional, jurisdictional, and structural limit that governs Louisiana criminal practice. Louisiana law unequivocally vests exclusive authority to initiate and control criminal prosecutions with district attorneys and, in defined circumstances, the Attorney General—not a potential criminal defendant. *See* La. Const. art. V, § 26 ("a district

[1] At the time the Attorney General appeared and sought the extension, she was unaware that Lau's criminal case was proceeding without an indictment.

attorney … shall have charge of *every* criminal prosecution by the state in his district" (emphasis added)); La. C.Cr.P. art. 61 ("the district attorney has entire charge and control of every criminal prosecution instituted or pending in his district, and determines whom, when, and how he shall prosecute"); La. C.Cr.P. art. 381 ("A criminal prosecution is brought in the name of the state in a court of criminal jurisdiction, for the purpose of bringing to punishment one who has violated a criminal law.").

Under our constitutional order, "[d]istrict attorneys are imbued with vast authority over criminal prosecutions—they alone determine whom, when, and how they shall prosecute[.]" *State v. Reimonenq*, 2019-0367 (La. 10/22/19), 286 So. 3d 412, 415 (citing La. Const. art. V, § 26); *accord In re Toups*, 2000-0634 (La. 11/28/00), 773 So. 2d 709, 715 ("In our system of justice, we entrust vast discretion to *the prosecutor* in deciding which cases to pursue, what crimes to charge, and how to allocate limited resources." (emphasis added)). They do so only by indictment or by information. *See* La. C.Cr.P. art. 382 ("A prosecution for an offense punishable by death, or for an offense punishable by life imprisonment, shall be instituted by indictment by a grand jury. Other criminal prosecutions in a district court shall be instituted by indictment or by information."). And *those* proper criminal proceedings then fall within the courts' criminal jurisdiction. La. C.Cr.P. art. 16 ("Courts have the jurisdiction and powers over criminal proceedings that are conferred upon them by the constitution and statutes of this state, except as their

statutory jurisdiction and powers are restricted, enlarged, or modified by the provisions of this Code."). Lau has no constitutional or statutory authority to initiate his own criminal proceeding, and that ends this case.

To be sure, Lau is free to raise his constitutional defense through the mechanisms the Code of Criminal Procedure provides—once (and if) *an actual prosecution* exists. What he cannot do is contort the criminal justice system into entertaining a freestanding facial First Amendment challenge to a duly enacted state law on his timetable in the midst of an investigation into his criminal wrongdoing. If that were not so, the judiciary could farm out the district attorneys' exclusive authority to dictate "whom, when, and how they shall prosecute," *Reimonenq*, 286 So. 3d at 415, to any overzealous possible criminal defendant who decides to open his own case and drag the State into it. That, the Louisiana Constitution forbids.

Because Lau had no constitutional or statutory basis to initiate this criminal proceeding, the Court should dismiss it outright and proceed no further—for lack of jurisdiction, for prematurity, for want of any private right to institute a prosecution, or simply under the Court's inherent authority to control criminal proceedings so that justice is done.

II. Even if the Court Entertained This Defendant-Initiated Criminal Case, None of Lau's Warrant-Related Requests Are Cognizable Under Louisiana Law.

If the Court could consider Lau's case consistent with the Louisiana Constitution (it cannot), his motion requests relief that is likewise

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unrecognizable under Louisiana law. His requests are foreclosed in at least four additional respects.

A. The Motion-to-Quash Framework Does Not Permit Challenges to Executed Search Warrants.

Lau's filing does not even pretend to be a lawful motion to quash—at least four times over.

First, a motion to quash may only be directed at a charging instrument or a defect in the institution of a prosecution. *See* La. C.Cr.P. arts. 531–534. (Remember Lau has not been indicted and no prosecution has been instituted.) The Code of Criminal Procedure recognizes no such thing as "quashing" a search warrant.

Second, even if a search warrant could be the object of a motion to quash, the Code identifies exhaustive and exclusive grounds for quashing, *see* La. C.Cr.P. arts. 532–534, and a fault related to a search warrant is not among them. So whatever its object, the motion to quash has no legally cognizable ground for quashing anything.

Third, even straining the Code to allow such a motion, it would still be untimely under Article 535(C), which requires that any miscellaneous motion to quash be filed in accordance with Article 521's pretrial-motion deadlines—mandating that the motion "be made or filed within thirty days after receipt of initial discovery." And without so much as a constitutionally initiated prosecution, this filing is nowhere near that thirty-day window.

Fourth, the remedies Lau seeks are not even attainable through a motion to quash. Article 538 specifies the only consequences of sustaining a motion to quash: The defendant may be discharged from custody or bail as to the charge, or, in limited circumstances, held pending the filing of a new indictment. Put otherwise: A motion to quash cannot legally authorize invalidating an executed search warrant, suppressing evidence, compelling the return of seized property, declaring a statute unconstitutional, or granting attorneys' fees.

B. Louisiana Law Forbids Mid-Investigation Suppression, and Lau's Motion Pleads Himself into the Good-Faith Exception Anyway.

Nor does the motion-to-suppress framing fare any better. It, too, must be filed "in accordance with Article 521," La. C.Cr.P. art. 703(C)—that is, "within thirty days *after* receipt of initial discovery," La. C.Cr.P. art. 521 (emphasis added). That makes good sense: A motion to suppress presupposes the existence of a constitutionally initiated prosecution headed towards "the trial on the merits," where the State might "use" "evidence … unconstitutionally obtained." La. C.Cr.P. 703(A).

Timeliness aside, Lau's motion pleads itself directly into the good-faith exception codified in the Code. The State's only burden in the face of a motion to suppress is "proving the admissibility … of any evidence seized *without* a warrant." La. C.Cr.P. art. 703(D) (emphasis added). Here, everyone agrees that the deputies executed court-authorized warrants and acted in objectively reasonable reliance on them. That is the good-faith exception to suppression to a T. *See United States v. Leon*,

468 U.S. 897, 922 (1984) ("We conclude that the marginal or nonexistent benefits produced by suppressing evidence obtained in objectively reasonable reliance on a subsequently invalidated search warrant cannot justify the substantial costs of exclusion."); *see State v. Matthieu*, 506 So. 2d 1209, 1212 (La. 1987) ("La.C.Cr.P. Art. 703 permits suppression only of evidence obtained 'by an *unconstitutional* search or seizure'. It was not intended to permit suppression of evidence seized by a warrant 'illegal' merely because technically contrary to law, unless the seizure is violative of fundamental due process concepts." (quoting *State v. Bienvenu*, 260 La. 1023, 1032, 258 So. 2d 72, 75 n.1 (1972); and citing *Leon*, 458 U.S. at 906)). Unless the seizure violated fundamental due-process principles—which Lau does not even allege—Article 703 affords no suppression remedy, much less one now.

C. Seized Property Must Be Retained During an Ongoing Investigation If It Has Evidentiary Value.

Louisiana law also forecloses freestanding, mid-investigation motions to return seized property, particularly where (as here) the movant does not even own the property. To the contrary, the seized property "*shall be retained*," subject only to "the direction of *the* judge"—namely, the judge that issued the search warrant in the first place. La. C.Cr.P. art. 167 (emphases added). "[T]he return of property seized in connection with a criminal proceeding" is lawful only "*so long as* that property (1) 'is not to be used as evidence or is no longer needed as evidence' and (2) 'no statute declares the property to be contraband.'" *In*

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re Matter Under Investigation, 2007-1853 (La. 7/1/09), 15 So. 3d 972, 982 (emphasis added) (quoting La. R.S. 15:41(B)). And even then, the seized property no longer needed as evidence must be returned "to the owner," La. R.S. 15:41(B), so Lau has no basis to demand the return of "a computer owned by a business client." Mot.2.

D. Declaratory Judgments, Costs, and Attorneys' Fees Are Unavailable in Criminal Proceedings.

Louisiana's criminal procedure provides neither authority for cost- or fee-shifting against the State, *cf.* La. C.C.P. art. 1920, nor a vehicle for declaratory judgments, *cf.* La. C.C.P. arts. 1871 *et seq.* And both the Louisiana Supreme Court and Third Circuit have roundly rejected (on *both* merits and jurisdictional grounds) attempts to use the declaratory judgment vehicle to preemptively invalidate a state prosecution and thus "bypass the criminal justice process." *Bd. of Comm'rs of Orleans Levee Dist. v. Connick*, 94-3161 (La. 3/9/95), 654 So. 2d 1073, 1081; *see Manning v. State*, 2019-698 (La. App. 3 Cir. 9/23/20), 304 So. 3d 981, 986–87, *writ denied*, 2020-01239 (La. 12/22/20), 307 So. 3d 1038. This Court should, too.

III. In All Events, the Statute Underlying the Search Warrants Is Constitutional.

If the Court were to inclined to consider Lau's constitutional aside, the modern version of La. R.S. 18:1463(C)(1) is plainly constitutional. Today, that provision states

> No person shall cause to be distributed, or transmitted, any oral, visual, digital, or written material containing any statement which he knows or should be reasonably expected

EXHIBIT I

> to know makes a false statement about a candidate for election in a primary or general election or about a proposition to be submitted to the voters.

La. R.S. 18:1463(C)(1). By its terms, the statute reaches only (1) objective falsities ("a false statement"), (2) about a public official ("about a candidate"), and (3) that are made with knowledge that it was false or with reckless disregard of whether it was false or not ("knows or should be reasonably expected to know").

That is the exact category of speech that, as the Supreme Court said in *New York Times v. Sullivan*, 376 U.S. 254 (1964), has *never* been protected by the First Amendment. *Accord Garrison v. State of La.*, 379 U.S. 64, 77 (1964) ("[a]pplying the principles of the New York Times case" for criminal defamation); *Harte-Hanks Commc'ns, Inc. v. Connaughton*, 491 U.S. 657, 687 (1989) ("Of course, the protection of 'calculated falsehoods' does not promote self-determination.") The Louisiana law thus tracks binding Supreme Court precedent.

Lau's extensive (and exclusive) reliance on *State v. Burgess*, 543 So. 2d 1332, 1333 (La. 1989), is misplaced. *See* Mot.4–6. *Burgess* addressed a materially different provision than today's La. R.S. 18:1463(C)(1)—and the Court acknowledged as much. *See* 543 So. 2d at 1334 n.3. Even before the Supreme Court had ruled, in response to the *Burgess* trial court's declaring the statute unconstitutional, "[i]n 1988, the legislature amended La.R.S. 18:1463(B) and (C)(1)." *See* 1988 La. Sess. Law Serv. 957. That new version "[wa]s not before [the Court]" in *Burgess*, 543 So. 2d at 1334 n.3.

EXHIBIT I

What *was* before the Court was a version of the statute that ran afoul of "*New York Times v. Sullivan*, 376 U.S. 254 (1964)" because (1) it reached far broader than objective falsity and into "'scurrilous, false, or irresponsible adverse comment[s]," *id.* at 1335, 1334, and (2) it went beyond speech about public officials and into speech about "a *proposition* to be submitted to the voters," *id.* at 1335. But, of course, the Legislature "amended La.R.S. 18:1463(B) and (C)(1)" in 1988 to do away with precisely those constitutional problems. *Burgess* thus only serves to prove that today's La. R.S. 18:1463(C)(1) is, in fact, constitutional.

PRAYER FOR RELIEF

The Court should dismiss this unconstitutionally initiated criminal proceeding or, at minimum, deny Lau's motion in its entirety.

Dated: November 21, 2025

Respectfully submitted,

ELIZABETH B. MURRILL
Attorney General of Louisiana

/s/ Zachary Faircloth
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EXHIBIT I

STATE OF LOUISIANA
PARISH OF LAFAYETTE
15th JUDICIAL DISTRICT COURT

STATE OF LOUISIANA,

v.

CHUN PING LAU,

DIVISION: K
CASE NO: 2025-COP-8901

[PROPOSED] ORDER

Considering the foregoing Supplemental Brief of the Attorney General,

IT IS ORDERED that this criminal proceeding unconstitutionally initiated by a potential criminal defendant is **DISMISSED without prejudice**.

So ordered. Lafayette, Louisiana, this ___ day of December, 2025.

_____
HONORABLE Michele Billeaud
DIVISION K
15th JUDICIAL DISTRICT COURT

EXHIBIT I

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above and foregoing has this date been served upon all parties to this proceeding by email or by mailing same to each by First Class United States mail, properly addressed and postage paid on this 21st day of November, 2025.

/s/ Zachary Faircloth
ZACHARY FAIRCLOTH (LA. 39875)

EXHIBIT I