

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ROSS BRUNET,

*Plaintiff*

v.

TOWN OF GRAND ISLE; DAVID  
CAMARDELLE, in his official capacity as Mayor  
of Grand Isle; SCOOTER RESWEBER, in his  
official capacity as Chief of Police for the Town of  
Grand Isle; JAMES ROCKENSCHUH, in his  
individual capacity and in his official capacity as an  
officer with the Grand Isle Police Department;  
HARRY CAHILL, in his individual capacity and in  
his official capacity as City Attorney for the Town  
of Grand Isle; and CAMILLE MORVANT, in his  
official capacity as Grand Isle magistrate judge,

*Defendants*

CIVIL ACTION NO.: 2:23-cv-00304

SECTION:

DIVISION:

JUDGE:

MAGISTRATE JUDGE:

**COMPLAINT**

Plaintiff ROSS BRUNET brings this action against Defendants for violation of his right to free speech protected by the First Amendment to the United States Constitution and for violation of his rights under the Louisiana Constitution and Louisiana state laws. In support of his claims, Plaintiff respectfully states:

## **INTRODUCTION**

1.

The Town of Grand Isle, through its town officials, police department, city attorney, and judge, have repeatedly targeted Mr. Brunet for exercising his First Amendment rights. In violation of long-established law, the Town has routinely detained, cited, and forced Mr. Brunet to go to trial to vindicate his constitutional rights, taking the extraordinary step of adopting a boldly unconstitutional local Ordinance to silence him.

The targeting of Mr. Brunet's protected free speech is a quintessential violation of the First Amendment liberties guaranteed by the United States Constitution and the laws of Louisiana. Plaintiff challenges this intrusion into his individual rights.

## **JURISDICTION**

2.

This is an action for declaratory and injunctive relief and damages pursuant to 42 U.S.C. §1983 based upon the continuing violations of the Plaintiffs' rights under the First Amendment to the United States Constitution.

3.

This Court has jurisdiction over the subject matter of this litigation pursuant to 28 U.S.C. § 1331, as this case involves questions of federal law.

4.

This Court further has jurisdiction over the subject matter of this litigation pursuant to 28 U.S.C. § 1367, as this case involves questions of state law that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

## **VENUE**

5.

Venue lies in this District because, upon information and belief, Defendants are all residents of Jefferson Parish, which is within the jurisdiction of the Eastern District of Louisiana. Additionally, the events giving rise to this action occurred in Jefferson Parish, within this District. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

## **PARTIES**

6.

Plaintiff ROSS BRUNET is a resident of Cut Off, Louisiana. He is a contractor who performs work across southern Louisiana, including in the Town of Grand Isle. He is also a passionate follower of national politics and discussions, and expresses himself politically through using various mediums, including through wearing of memorabilia on his clothing and through signs on his vehicle.

7.

Defendant TOWN OF GRAND ISLE is located in Jefferson Parish, Louisiana. The Town is a juridical entity capable of suing and being sued. The Town of Grand Isle is sued for declaratory and injunctive relief, as well as nominal and compensatory damages.

8.

Defendant DAVID CAMARDELLE is the Mayor of the Town of Grand Isle. As such, he is chief executive for the Town and is ultimately responsible for the execution of Town ordinances. He also is final policymaker on all Town policies and practices, to include those of the Grand Isle Police Department, the City Attorney's office and the Grand Isle Mayor's Court. Alternatively, Defendant Camardelle has delegated his final policymaking responsibility to Defendants Resweber, Cahill, and Morvant, respectively. Defendant Camardelle has failed to properly train and supervise his employees to ensure that Town

policies and practices are constitutional. He has failed to properly train and supervise his appointees conducting Mayor's Court, and has failed to train and supervise the town attorney whom he appoints. He is sued in his official capacity only, for declaratory and injunctive relief, as well as compensatory and nominal damages.

9.

Defendant SCOOTER RESWEBER is the chief of the Grand Isle Police Department. As such, he is final policymaker responsible for the Department. He also is the individual responsible for training and supervising Police Department employees. Defendant Resweber has established a policy and practice allowing for the repeated unconstitutional citation and legal arrest of individuals without probable cause and in retaliation for the exercise of free speech. He has failed to properly train and supervise his police employees to ensure that police employee practices and policies are constitutional. He is also vicariously liable for Defendant Rockenschuh's actions as to Plaintiff's state law claims. Defendant Resweber is sued in his official capacity for declaratory and injunctive relief, as well as compensatory and nominal damages.

10.

Defendant JAMES ROCKENSCHUH is an officer with the Grand Isle Police Department. He has repeatedly unconstitutionally detained and cited Plaintiff with criminal charges despite being aware that Plaintiff's conduct was fully protected by the First Amendment. Defendant Rockenschuh is likely to detain and cite Plaintiff again in the future. He is aware that Plaintiff was found "not guilty" in Grand Isle Mayor's Court yet has continued to detain and haul Plaintiff into court for identical protected conduct. He is sued in his individual and official capacities for declaratory and injunctive relief, as well as compensatory, nominal and punitive damages.

11.

Defendant HARRY CAHILL serves as Town Attorney and, on information and belief, assisted in the drafting and adopting of a blatantly unconstitutional Ordinance with the intention of targeting the Plaintiff for engaging in protected speech. He established a policy and practice supporting the repeated unconstitutional detention, citation and arrest of individuals even where there is no probable cause for that arrest and where individuals are engaged in protected conduct. Although he knew Plaintiff had been found “not guilty” of a crime, Defendant Cahill repeatedly hauled Mr. Brunet into court for the same actions—for months—with no intent to prosecute, because he knew a prosecution was unconstitutional. Defendant Cahill has willfully violated the First Amendment by sanctioning individuals like Mr. Brunet for protected political speech. He is sued in his official capacity for declaratory and injunctive relief. He is sued in his personal capacity for actions outside the scope of his prosecutorial function only, for compensatory, nominal and punitive damages.

12.

Defendant CAMILLE MORVANT has served as the Mayor’s Court magistrate judge in the retaliatory actions taken against Mr. Brunet. He allowed a prosecution obviously lacking in probable cause to be continued repeatedly, despite factually identical prior not guilty verdicts. He is sued in his official capacity, only, for declaratory and injunctive relief.

### **FACTUAL ALLEGATIONS**

13.

Plaintiff Ross Brunet holds strong political beliefs, which he expresses by displaying flags with core political speech from the bed and on the front of his pickup truck.

14.

Mr. Brunet displays three flags on his truck. Two flags state, “FUCK BIDEN” and, in smaller font, “AND FUCK YOU FOR VOTING FOR HIM.” Another flag depicts a pink ribbon on a black field for breast cancer awareness.

15.

In 2021, Mr. Brunet was cited four times for “display of patently obscene words/photos/depiction” by the Grand Isle Police Department under La. R.S. 32:378.1.

16.

La. R.S. 32:378.1 provides, “No person owning or operating a Louisiana registered motor vehicle on any of the public streets in this state shall affix to any part of such motor vehicle any sticker, decal, emblem, or other device containing patently obscene words, photographs, or depictions that are displayed to members of the public not occupying such vehicle. For the purposes of this Section, ‘obscene’ shall have the meaning of ‘obscenity’ as contained in R.S. 14:106.”

17.

“Obscenity” is defined in relevant part in La. R.S. 14:106(2)(a) as the intentional participation or engagement in, or management, operation, production, presentation, performance, promotion, exhibition, advertisement, sponsorship, electronic communication, or display of, hard core sexual conduct, when the trier of fact determines that the average person applying contemporary community standards would find that the conduct, taken as a whole, appeals to the prurient interest; and the hard core sexual conduct, as specifically defined herein, is presented in a patently offensive way; and the conduct taken as a whole lacks serious literary, artistic, political, or scientific value.

18.

The penalty for violation of La. R.S. 32:378.1 is a fine not to exceed one hundred dollars.

19.

Mr. Brunet's flags do not meet the definition of this statute.

20.

There was no probable cause to cite him pursuant to this statute or to require him to attend court to defend against these charges.

21.

Mr. Brunet's flags are clearly protected political speech.

22.

Each ticket was written by Defendant Rockenschuh. The citation numbers are 08953184; 08953185; 08953192; and 08953228.

23.

Defendant Rockenschuh detained Mr. Brunet while he issued these criminal citations.

24.

Due to the criminal citations, Mr. Brunet was forced to miss work and repeatedly represent himself in Mayor's Court in Grand Isle to avoid being arrested and/or fined for his protected speech.

25.

Relying on long-established case law, Mr. Brunet, a non-lawyer, defended himself at trial successfully. He provided precedent to the court and cross-examined Defendant Rockenschuh. On November 18, 2021, Mr. Brunet received a not guilty verdict due to the obvious unconstitutionality of the citations against him.

26.

Despite being found not guilty, Mr. Brunet was nonetheless told “don’t do that again” or words to that effect, by Town officials.

27.

In January 2022, Mr. Brunet was once again stopped, detained and cited under the same law, La. R.S. 32.378.1, for flying the very same flags that he demonstrated in 2021 were core, non-criminal political speech.

28.

Defendant Rockenschuh—the same officer who issued Mr. Brunet the previous tickets for violating the obscenity statute—issued the ticket in January 2022.

29.

Defendant Rockenschuh issued the January 2022 ticket even though Officer Rockenschuh knew that the obscenity statute did not encompass Mr. Brunet’s flags and that there was no legal basis to issue Mr. Brunet another citation.

30.

Defendant Rockenschuh issued Mr. Brunet another citation pursuant to La. R.S. 32:378.1 solely to attempt to force Mr. Brunet to remove his flags.

31.

On February 6, 2022, Mr. Brunet was stopped, detained and cited yet again by Defendant Rockenschuh, again for allegedly violating La. R.S. 32.378.1.

32.

On March 16, 2022, Mr. Brunet was stopped, detained and cited again by Defendant Rockenschuh for allegedly violating La. R.S. 32.378.1.

33.

There are no factual distinctions between the January, February and March 2022 citations—each was for the simple act of Brunet flying his flags.

34.

There also are no factual distinctions between the four 2021 citations and the three 2022 citations—each was for the simple act of Brunet flying his flags.

35.

Mr. Brunet was ordered to appear in Grand Isle Mayor's Court on April 20, 2022, to defend against all three of the 2022 citations.

36.

Despite his having obtained a prior not guilty verdict on this exact charge for this exact conduct, Mr. Brunet's court dates were then re-set and delayed multiple times by Defendant Movhart.

37.

At the April 20, 2022, appearance, Mr. Brunet was ordered to return in May.

38.

On May 19, 2022, Mr. Brunet's trial was again moved and set for June 16, 2022.

39.

In parallel to Mr. Brunet's delayed court dates, and unbeknownst to Mr. Brunet, Defendants drafted and introduced Ordinance 1012, hereafter "the Ordinance." The Ordinance states: "No temporary sign shall be affixed to a vehicle that exceeds the dimensions of 20 inches by 30 inches. Signs on vehicles shall not contain language deemed offensive and vulgar nor obscene in nature and cannot contain language that describes a sex act. It shall be unlawful for any vehicle to operate on Highway 1, any public roads or public

areas and the Grand Isle Beach that bears a temporary sign described above herein.” (Exhibit 1)

40.

Defendant Town of Grand Isle introduced the Ordinance on June 22, 2022, after its attempts to silence Mr. Brunet’s speech via Louisiana statute 32:378.1 failed.

41.

Defendant Town of Grand Isle held its first hearing on the Ordinance on July 13, 2022.

42.

Defendant Town of Grand Isle held its second hearing on the Ordinance on August 10, 2022.

43.

Defendant Town of Grand Isle adopted and submitted the Ordinance to Defendant Camardelle on August 11, 2022, and Defendant Camardelle, as final policymaker for the Town, returned the signed Ordinance that same day.

44.

In September 2022 Mr. Brunet finally received a *nolle prosequi* of the tickets written pursuant to 32:378.1. This was eight months after he was cited and only after multiple court appearances, despite the clear unconstitutionality of the Police Department’s actions, and despite Mr. Brunet’s prior showing of unconstitutionality under the same statute, in the same court.

45.

At the September 2022 court setting, Defendant Cahill presented Mr. Brunet with the newly adopted and signed Ordinance. Defendant Cahill advised Mr. Brunet that Defendant

Town of Grand Isle had successfully outlawed his core political speech, saying words akin to, “we’ve got you now.”

46.

On information and belief, the Ordinance was drafted and adopted by the Town of Grand Isle to silence Mr. Brunet’s core political speech specifically, under the guidance and at instruction of the Defendants.

47.

Referring to the Ordinance, Defendant Cahill clearly stated to Mr. Brunet that his political flags were now legitimately criminalized and that he would be prosecuted.

48.

Ordinance 1012 is a facially unconstitutional attempt to curb protected political speech and a clear violation of the First Amendment.

49.

By passing Ordinance 1012, Defendant Town of Grand Isle callously disregards the constitutional rights of all citizens and is particularly targeting Mr. Brunet.

## **STATEMENT OF CLAIMS**

### **COUNT ONE: FIRST AMENDMENT RETALIATION**

50.

Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs above.

51.

Defendants’ actions violate Plaintiff’s First Amendment rights because they constitute unlawful retaliation for the exercise of his free speech.

52.

Plaintiff was engaged in protected speech.

53.

Defendants took adverse actions against him because of his speech. Specifically, he was repeatedly (seven times) cited with violations of an inapplicable criminal law. He faced ongoing threat of criminal prosecution including arrest, jail time and fines.

54.

As further adverse action, Defendants adopted a local Ordinance targeting Mr. Brunet.

55.

These adverse actions were wholly motivated by disagreement with Plaintiff's protected political speech.

56.

These adverse actions and retaliatory conduct would chill the speech of a person of ordinary firmness from engaging in free speech.

57.

Because of Defendants' actions, Mr. Brunet's speech has in fact been chilled. He is fearful of and refrains from engaging in his protected political speech in Grand Isle, out of fear of government punishment or further retaliatory action.

## **COUNT TWO: OVERBREADTH**

58.

Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs above.

59.

Ordinance 1012 is unconstitutionally overly broad. It prohibits speech that is offensive, vulgar or references a sex act, *inter alia*.

60.

Speech that is offensive, vulgar or that references a sex act is protected by the United States Constitution.

61.

Indeed, core political speech is often offensive to the listener, and yet is a highly protected form of speech.

62.

Because the Ordinance sweeps protected speech within its proscribed ambit, and purports to outlaw core protected political speech, it is substantially overbroad and unconstitutional.

### **COUNT THREE: VAGUENESS**

63.

Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs above.

64.

The Ordinance adopted by Defendant Town of Grand Isle is unconstitutionally vague, in that it prohibits “offensive” and “vulgar” speech. The terms “offensive” and “vulgar” are not defined, leaving the average person to guess as to the meaning and as to which speech may run afoul of the law.

65.

The Ordinance allows officials acting under color of law to punish speech that is subjectively “offensive” or “vulgar” to them, with seemingly unfettered discretion. This requires the exercise of inconsistent and content-based discretion on the part of the police and Town officials.

66.

The Ordinance also prohibits “language that describes a sex act.”

67.

Because an ordinary citizen must guess as to what speech is offensive and vulgar, or what describes a sex act—and does so at risk of criminal prosecution if he guesses wrong—Ordinance 1012 fails to provide people of ordinary intelligence fair notice of what conduct is prohibited, and therefore is unconstitutionally vague.

#### **COUNT FOUR: CONTENT-BASED DISCRIMINATION**

68.

Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs above.

69.

The Ordinance unconstitutionally outlaws speech because of its content. It prohibits speech that is lewd, vulgar or that describes a sex act, all of which is protected content under the United States Constitution.

70.

By prohibiting speech that is “deemed offensive or obscene,” the Ordinance empowers officials to insert their own subjective opinions and beliefs of “offensive” or “obscene” into enforcement of the law, which is a content-based determination.

71.

Laws that prohibit speech because of its content are called “content-based restrictions,” are the most odious of First Amendment violations and are subject to strict scrutiny review.

72.

Here the burden on speech is not narrowly tailored to achieve a government interest.

73.

It is unclear what government interest would be advanced in the immediate case, but the law cannot be narrowly tailored to achieve any government interest for several reasons, including: the law only penalizes removable or “temporary” signage, and thus would not apply to permanently-affixed messages with the same content; the law only prohibits speech while a vehicle is being operated, and thus would not apply to stationary flags with the same content; the law does not apply to signs of sizes different than those proscribed by the Ordinance with identical content; and the law outlaws only certain language, but does not outlaw images depicting sex acts or otherwise.

74.

Because it is not narrowly tailored to achieve a compelling government interest, the Ordinance fails strict scrutiny as an unconstitutional content-based restriction on speech.

#### **COUNT FIVE: MALICIOUS PROSECUTION**

75.

Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs above.

76.

The Defendants cited and pursued charges against the Plaintiff solely because they did not like the content of his flags, requiring him to live under threat of incarceration and attend court for eight months before ultimately issuing a *nolle prosequi* for the second set of tickets. Defendants prosecuted Mr. Brunet with the knowledge that he could not lawfully be convicted for the crime with which he was charged, and with knowledge that his rights were being violated. Defendants engaged in malicious prosecution of Mr. Brunet.

**COUNT SIX: ABUSE OF PROCESS**

86.

Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs above.

87.

Louisiana law prohibits abuse of process where there exists (1) an ulterior purpose and (2) a willful act in the use of the process not proper in the regular prosecution of the proceeding. Defendants herein acted with the ulterior purpose of silencing Mr. Brunet's speech, and maintained three meritless criminal proceedings against him in abuse of authority and process.

**COUNT SEVEN: LOUISIANA CONSTITUTIONAL CLAIM**

89.

Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs above.

90.

Defendants' actions violate Plaintiff's First Amendment rights under the Louisiana Constitution, Article 1 § 7.

**COUNT EIGHT: FALSE ARREST/IMPRISONMENT**

91.

Plaintiff re-alleges and herein incorporates by reference the allegations set forth in paragraphs above.

93.

Defendants illegally detained the Plaintiff during multiple traffic stops for which they knowingly lacked probable cause or reasonable suspicion, resulting in the unlawful detention of Plaintiff. Defendants further hauled Plaintiff into court repeatedly for charges of which he was not guilty and forced him to live under cloud of prosecution for eight months.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, Ross Brunet, prays for the following relief from this Court:

1. A declaration that:
  - a. Mr. Brunet was engaged in protected speech in flying his flag with political messages;
  - b. the application of state obscenity statutes to Mr. Brunet was unconstitutional;
  - c. Town of Grand Isle Ordinance 1012 is unconstitutional; and
  - d. the acts of the Defendants violated Mr. Brunet's rights;
2. Injunctive relief prohibiting Defendants from further interference with Mr. Brunet's exercise of his constitutional rights;
3. Injunctive relief prohibiting further enforcement of Ordinance 1012;
4. An award of compensatory, nominal and punitive damages to Plaintiff;
5. Attorneys' fees and costs incurred in this proceeding; and
6. An award of any such other and further relief as the Court deems just and proper.

Respectfully submitted,

**TULANE FIRST AMENDMENT CLINIC**

/s/ Katie M. Schwartzmann

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**ORDINANCE NO. 1012**

An ordinance amending the Code of Ordinances of the Town of Grand Isle by adding 2.202(A) restricting temporary signs on vehicles other public property including the Grand Isle Beach and providing for fines and penalties associated therewith.

**WHEREAS**, temporary signs on vehicles are causing a nuisance and are displaying vulgar and obscene language in areas that are family oriented making necessary this ordinance limiting the use of temporary signs located on public streets and public places in the Town of Grand Isle.

**WHEREAS**, the ordinance is both necessary and critical to the preservation of a family atmosphere which is enjoyed by the residents of the Town of Grand Isle.

**NOW, THEREFORE, BE IT ORDAINED BY** the Town Council of the Town of Grand Isle, Jefferson Parish, Louisiana that:

**2.202(A) Signs on Vehicles**

No temporary sign shall be affixed to a vehicle that exceeds the dimensions of 20 inches by 30 inches. Signs on vehicles shall not contain language deemed offensive and vulgar nor obscene in nature and cannot contain language that describes a sex act.

It shall be unlawful for any vehicle to operate on Highway 1, any public roads or public areas and the Grand Isle Beach that bears a temporary sign described above herein.

The fine for violation of this ordinance shall be up to \$500.00 per offense plus cost or court or up to thirty days in jail, plus mandatory court appearance.

This ordinance was considered section by section and as a whole and was offered by Council Member Melissa Pizani and seconded by Council Member Brian Barthelemy.

Roll call voter thereon as follows:

YEAS: Melissa Pizani, Kelly Besson Jr., Brian Barthelemy, Elgene Gary

NAYS: 0

ABSENT: Lan Tivet

This ordinance was declared adopted this 10<sup>th</sup> day of August 2022 and becomes effective on said date.

  
David J. Camardelle, Mayor  
Town of Grand Isle

ATTESTED:

  
Bonnie Pizani, Town Clerk  
Town of Grand Isle

Introduction: 06/22/22  
1<sup>st</sup> Hearing: 07/13/22  
2<sup>nd</sup> Hearing: 08/10/22  
To Mayor: 08/11/22  
From Mayor: 08/11/22

**ORDINANCE NO. 1012**



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



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*Printed name and title*

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Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

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\_\_\_\_\_  
*Printed name and title*

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Additional information regarding attempted service, etc:



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*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## Eastern District of Louisiana

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Camille Morvant  
Mayor's Court, Grand Isle Multiplex  
3101 LA-1  
Grand Isle, LA 70358

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

Katie M. Schwartzmann La Bar No. 30295  
Tulane First Amendment Clinic  
6329 Freret Street, Suite 130  
New Orleans, La 70118

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## 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

Brunet, Ross

(b) County of Residence of First Listed Plaintiff Lafourche Parish, Louisiana  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Tulane First Amendment Clinic, 6329 Freret Street, Suite  
130, New Orleans, La 70118, (504) 862-8813, Katie  
Schwartzmann

## DEFENDANTS

Town of Grand Isle; Camardelle, David; Resweber, Scooter;  
Rockenschuh, James; Cahill, Harry L.; Morvant, Camille A.County of Residence of First Listed Defendant Jefferson Parish, Louisiana  
(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)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 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
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 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:

Infringement of Plaintiff's First Amendment rights with accompanying state law claims.

## 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

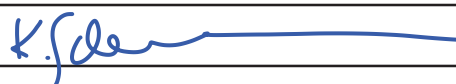
(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD



## FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.