

# UNITED STATES DISTRICT COURT

for the

MIDDLE DISTRICT OF LOUISIANA

Brian Ott, owner of Riano's LLC  
(dba Uncle Earl's)

Complainant

versus

Jon Bell Edwards, Governor, State of  
Louisiana; Sid Gautreaux, East Baton  
Rouge Parish Sheriff

Defendants

Civil Action

Case No: \_\_\_\_\_

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## **COMPLAINT**

COMES NOW the Complainant, Brian Ott, owner of Riano's LLC, and for a cause of action would show unto this Honorable Court as follows:

### ***INTRODUCTION AND GENERAL ALLEGATIONS***

1. This is a civil action, under 42 U.S.C. § 1983, for money damages against;

1) **Jon Bel Edwards**, Governor, State of Louisiana;

2) **Sid Gautreaux**, East Baton Rouge Sheriff, in his official capacity;

for committing acts under the color of law and depriving the Complainant of rights secured by the

Constitution and laws of the United States, and other claims as set forth below, who are liable to the Complainant for these acts and/or omissions, as set forth below.

### ***JURISDICTION AND VENUE***

2. This action arises under the Fifth and Fourteenth Amendments to the United States Constitution and under the Civil Rights Act of 1871, 42 U.S.C. section 1983.

3. The Court has jurisdiction under 28 U.S.C. sections 1331, 1343 and 1367.

4. Venue is proper under 28 U.S.C. section 1391 in that the Defendants and Complainants reside, and the case of action arises in, the Middle District of Louisiana.

### ***THE PARTIES***

5. Brian Ott, owner of Riano's LLC (dba Uncle Earl's) (herein after "Complainant"), is a persons of the full age of majority and a resident and citizen of Baton Rouge, East Baton Rouge Parish, Louisiana. The Complainants is a person authorized to bring this suit under 42 U.S.C.A. § 1983.

6. First named Defendant; **John Bel Edwards**, is the Governor of the State of Louisiana, who was at all times pertinent to this action, an individual, duly elected, and acting under color of law, in the course and scope of his position as Governor and, while acting in that capacity, caused

the issuance of executive order 2016-56, on August 16, 2016<sup>1</sup>, and in so doing violated the federal civil rights of the Complainants.

7. Second named Defendant; **Sid Gautreaux**, is the Governor of the State of Louisiana, who was at all times pertinent to this action, an individual, duly elected, and acting under color of law, in the course and scope of his position as Governor and, while acting in that capacity, and pursuant to executive order 2016-56, issued on August 16, 2016 by the Governor of the State of Louisiana, did issue a curfew in the Parish of East Baton Rouge, in violation the federal civil rights of the Complainants.

8. Each of the Defendants committed the unconstitutional acts herein after complained of while acting under color of state law.

9. That each of the Defendants is sued in their official and individual capacities, where applicable.

### ***FACTS***

10. On August 12, 2016, the State of Louisiana experienced historic rainfall and devastating flooding, and specifically in East Baton Rouge Parish.

11. In response to this natural disaster, and after considering the scope of the damage, the

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<sup>1</sup> Attached as Exhibit "A"

Governor of the State of Louisiana issued executive order 2016-56, on August 16, 2016, in accord with Louisiana Revised Statutes 14:329.6 <sup>2</sup>, granting the “chief law enforcement officer” of a political subdivision, namely the Sheriff of East Baton Rouge Parish, the “ability” to establish a curfew, “...in order to protect life and property and to bring the emergency situation under control.” <sup>3</sup>

12. The curfew that was put in place by the Defendants was not necessary and the conditions precedent for this kind of loss of liberty were not present in East Baton Rouge Parish when the curfew was enacted on August 16, 2016.

13. The current facts and circumstances of the natural disaster and recovery in East Baton Rouge Parish, as of August 19, 2016, if ever posing a sufficient threat under State law, at this time no longer pose a threat to persons or property sufficient for the continued curfew, and in so continuing the curfew the Defendants are violating the Constitutional rights of the Complainant under the color of state law.

14. The same public safety and protection of property rights can be accomplished by less restrictive means, such as curfew in areas still affected by flooding to the degree that police officers are not able to patrol normally in those areas, if such exists.

15. The Mayor of Baton Rouge and Parish President, Kip Holden, has stated publicly that

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<sup>2</sup> Attached for reference as Exhibit “B”.

<sup>3</sup> Id.

the curfew is not necessary, and that it was politically motivated.<sup>4</sup>

***CAUSE OF ACTION***

**TORTIOUS INJURY / INTERFERENCE**

(Under the United States Constitution, Bill of Rights, Fifth Amendment; and the Civil Rights Act  
of 1871, 42 U.S.C. §1983)

Complainant re-alleges and incorporates here by reference paragraphs 1 through 15, as though fully set forth herein.

16. When the Defendants, John Bel Edwards and Sid Gautreaux, enacted a curfew, and/or continued the curfew beyond that which was necessary, they tortiously interfered with the business operation of the Complainant.

17. This tortious interference has resulted in, and will continue to result in a loss of business revenue, good will, and liberty to operate their businesses without injury, for the Complainant.

18. The loss to these businesses is easily quantifiable given the long record of sales in the business, and is having, and will continue to have an immediate irreparable injury to the Complainant.

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<sup>4</sup> See article from Baton Rouge Advocate, attached as Exhibit "C".

19. The Complainant himself, along with the citizens of the Parish of Baton Rouge and the surrounding area that he employs, many of whom have been profoundly affected by the flooding, are being limited in their ability to earn a living and sustain their lives in this challenging time.<sup>5</sup>

20. As a direct and proximate consequence of the actions of the Defendants, and harm being foreseeable by the Defendants, given the ‘adjustment’ of the curfew from 10:00 pm to midnight on August 19, 2016, in affirmation of the economic effect of the curfew, the Complainant has suffered, and will continue to suffer economic loss, loss of good will, loss of income, and loss of earning capacity.

### ***DAMAGES***

Complainant re-allege and incorporates here by reference paragraphs 1 through 20, as though fully set forth herein.

21. That, as a direct and proximate result of the above-stated actions of the Defendants, the Complainant has suffered, and will continue to suffer economic loss, loss of good will, loss of income, and loss of earning capacity.

22. That, as a direct and proximate result of the above-stated actions of the Defendants, the Complainant have suffered, and will continue to suffer immediate and irreparable harm in the form

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<sup>5</sup> See generally article from Baton Rouge Business Report, attached as Exhibit “D”.

of economic loss, loss of good will, loss of income, and loss of earning capacity.

WHEREFORE, the Complainant pray for judgment against the Defendants, jointly and severally, in an amount to be determined and proven by evidence. The Complainant pray for attorney fees and whatever further relief the Court deems appropriate.

Respectfully submitted:

/s/ Jarrett P. Ambeau  
JARRETT P. AMBEAU  
Bar Roll #: 32089  
**Attorney for Defendants**  
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/s/ Juan M. Delgado  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of August, 2016, the above and foregoing pleading was electronically filed into the Court's ECF filing system, and that the defendants were served via email and/or hand delivery to the following:

1. Governor John Bel Edwards  
Through Executive Counsel to the Governor  
Matthew Block  
Office of the Governor  
P.O. Box 94004  
Baton Rouge, LA 70804  
matthew.block@la.gov
2. Sheriff Sid Gautreaux  
Through counsel for the Sheriff  
Mary Erlingson  
301 Main Street #2110  
Baton Rouge, LA 70801  
merlingson@erlingsonbanks.com

s/ Jarrett P. Ambeau \_\_\_\_\_  
JARRETT P. AMBEAU



/s/ Juan M. Delgado  
JUAN M. DELGADO

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## **MOTION FOR PRELIMINARY INJUNCTION**

1. The Complainant have filed concurrent with this motion, a complaint alleging a violation of his Constitutional rights from which he is currently suffering irreparable harm.

2. That Complainant is suffering, and will continue to suffer, irreparable and immediate harm as a result of the actions of the Defendants, and is specifically asking for the issuance of a preliminary injunction, pursuant to Civ. R. 65, enjoining the Sheriff of East Baton Rouge, a named

Defendant, from enforcing the curfew as published and/or requiring the Defendants to rescind all orders imposing a curfew on the lawful residents of East Baton Rouge Parish. Grounds for this motion are more fully set forth in the Complainant's accompanying Memorandum of Law, and the Complaint filed concurrent with this motion.

WHEREFORE, the Complainant prays from this Court to issue a preliminary injunction, pursuant to Civ. R. 65, enjoining the Defendants from enforcing the curfew that is the subject of the Complaint filed in the record concurrent with this motion, and/or requiring the defendants to forthwith rescind all orders imposing a curfew on the residents of the parish of East Baton Rouge Parish.

Respectfully submitted:

/s/ Jarrett P. Ambeau  
JARRETT P. AMBEAU  
Bar Roll #: 32089  
**Attorney for Defendants**  
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/s/ Juan M. Delgado

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## **MEMORANDUM IN SUPPORT OF**

## **MOTION FOR PRELIMINARY INJUNCTION**

1. The Complainant has filed concurrent with this motion, a complaint alleging a violation of his Constitutional rights from which he is currently suffering irreparable harm.

2. That Complainant are suffering, and will continue to suffer, irreparable and immediate harm as a result of the actions of the Defendants, and are specifically asking for the issuance of a preliminary injunction, pursuant to Civ. R. 65, enjoining the Sheriff of East Baton Rouge, a named

Defendant, from enforcing the curfew as published and/or requiring the Defendants to rescind all orders imposing a curfew on the lawful residents of East Baton Rouge Parish. Grounds for this motion are more fully set forth in the Complainants accompanying Memorandum of Law, and the Complaint filed concurrent with this motion.

### ***FACTS***

3. On August 12, 2016, the State of Louisiana experienced historic rainfall and devastating flooding, and specifically in East Baton Rouge Parish.

4. In response to this natural disaster, and after considering the scope of the damage, the Governor of the State of Louisiana issued executive order 2016-56, on August 16, 2016, in accord with Louisiana Revised Statutes 14:329.6<sup>1</sup>, granting the “chief law enforcement officer” of a political subdivision, namely the Sheriff of East Baton Rouge Parish, the “ability” to establish a curfew, “...in order to protect life and property and to bring the emergency situation under control.”<sup>2</sup>

5. The curfew that was put in place by the Defendants was not necessary and the conditions precedent for this kind of loss of liberty were not present in East Baton Rouge Parish when the curfew was enacted on August 16, 2016.

6. The current facts and circumstances of the natural disaster and recovery in East Baton

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<sup>1</sup> Attached for reference as Exhibit “B”.

<sup>2</sup> Id.

Rouge Parish, as of August 19, 2016, if ever posing a sufficient threat under State law, at this tie no longer pose a threat to persons or property sufficient for the continued curfew, and in so continuing the curfew the Defendants are violating the Constitutional rights of the Plaintiffs under the color of state law.

7. The same public safety and protection of property rights can be accomplished by less restrictive means, such as curfew in areas still affected by flooding to the degree that police officers are not able to patrol normally in those areas, if such exists.

8. The Mayor of Baton Rouge and Parish President, Kip Holden, has stated publicly that the curfew is not necessary, and that it was politically motivated.

### **LAW**

9. In order to prevail on the motion for a preliminary injunction the court must consider, (1) a substantial likelihood of success on the merits, (2) a substantial threat that the plaintiff will suffer irreparable injury if the injunction is not granted, (3) that the threatened injury outweighs any damage that the injunction might cause the defendant, and (4) that the injunction will not disserve the public interest. *See* Planned Parenthood of Houston and Southeast Texas v. Sanchez, 403 F.3d 324, 329 (5th Cir.2005). These are not prerequisites, but rather factors to be weighed by the court. *See* also Hardin v. Houston Chronicle Pub. Co., 572 F.2d 1106 (C.A.Tex. 1978).

### **ARGUMENT**

10. The substantial likelihood of success on the merits of the Complaint herein are related



to the loss by the Complainants, a plainly quantifiable loss given the economic history of these businesses and the ability to prove that loss by admissible evidence; and the likelihood of prevailing on the merits of the claim that the loss was foreseeable by the Defendants, and that the curfew will result in immediate irreparable harm to the Complainants.

11. The further inquiry by the Court, as to the underlying merit of claim, the insufficient rationale for the curfew, and the lack of evidence as to a threat to property or life, given only two incidents of looting as reported in the media, in the morning of August 16, 2016; and the real and evident harm to the Defendants caused by the unconstitutional curfew, it is substantially likely that the Complainants will prevail on the merits.

12. That, as a direct and proximate result of the above-stated actions of the Defendants, the Plaintiffs have suffered, and will continue to suffer immediate and irreparable harm in the form of economic loss, loss of good will, loss of income, and loss of earning capacity, is without reasonable challenge, given the continued closing of these businesses during which the Complainants are not able to operate.

13. The Defendants themselves are in no danger of harm as a result of this injunction.

14. The same public safety and protection of property rights can be accomplished by less restrictive means, such as curfew in areas still affected by flooding to the degree that police officers are not able to patrol normally in those areas, if such exists.

15. The Mayor of Baton Rouge and Parish President, Kip Holden, has stated publicly that the curfew is not necessary, and that it was politically motivated.

16. The public interest herein is exactly why this injunction is necessary. The public is served by the fair and reasonable application of the law, and the rights afforded them by the Constitution of the United States. Abridging the freedom of citizens without due process, for no justifiable purpose, or to extend a justifiable restriction past the time where it is justified, is a violation of the “public interest”, and any inquiry undertaken by the Court in this regard as to the safety of citizens should be balanced with the liberty interest of those same citizens.

WHEREFORE, the Complainants pray for the Court to issue a preliminary injunction, pursuant to Civ. R. 65, enjoining the Defendants from enforcing the curfew that is the subject of the Complaint filed in the record concurrent with this motion, and/or requiring the defendants to forthwith rescind all orders imposing a curfew on the residents of the parish of East Baton Rouge Parish.

Respectfully submitted:

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s/ Jarrett P. Ambeau  
JARRETT P. AMBEAU

/s/ Juan M. Delgado  
JUAN M. DELGADO

# State of Louisiana



## Executive Department EXECUTIVE ORDER NUMBER JBE 2016-56

### *STATE OF EMERGENCY – EAST BATON ROUGE PARISH*

**WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a state of emergency in Proclamation No. 111 JBE 2016, which is currently in effect;

**WHEREAS,** this disaster has resulted in flooding, power outages and road closures throughout southern Louisiana; and

**WHEREAS,** many citizens have been forced to evacuate, efforts to provide assistance are continuous, and the Sheriff of East Baton Rouge Parish has indicated that public safety is imperiled by the disaster.

**NOW THEREFORE, I, JOHN BEL EDWARDS,** Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

**SECTION 1:** A state of emergency exists in East Baton Rouge Parish and the Sheriff of East Baton Rouge Parish is authorized during the State of Emergency declared in Proclamation No. 111 JBE 2016 to take certain actions, as described in La. R.S. 14:329.6, such as establishing a curfew, in order to protect life and property and to bring the emergency situation under control.

**SECTION 2:** This order is effective upon signature, unless amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law prior to such time.



**IN WITNESS WHEREOF**, I have set my hand officially  
and caused to be affixed the Great Seal of Louisiana in the  
City of Baton Rouge, on this 16<sup>th</sup> day of August, 2016.

**/s/ John Bel Edwards**

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**GOVERNOR OF LOUISIANA**



West's Louisiana Statutes Annotated

Louisiana Revised Statutes

Title 14. Criminal Law

Chapter 2. Miscellaneous Crimes and Offenses (Refs & Annos)

Part III. Offenses Affecting the Public Generally (Refs & Annos)

LSA-R.S. 14:329.6

§ 329.6. Proclamation of state of emergency; conditions therefor; effect thereof

Effective: August 15, 2009

Currentness

A. During times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any municipality or parish, or in the event of reasonable apprehension of immediate danger thereof, and upon a finding that the public safety is imperiled thereby, the chief executive officer of any political subdivision or the district judge, district attorney, or the sheriff of any parish of this state, or the public safety director of a municipality, may request the governor to proclaim a state of emergency within any part or all of the territorial limits of such local government. Following such proclamation by the governor, and during the continuance of such state of emergency, the chief law enforcement officer of the political subdivision affected by the proclamation may, in order to protect life and property and to bring the emergency situation under control, promulgate orders affecting any part or all of the territorial limits of the municipality or parish:

- (1) Establishing a curfew and prohibiting and/or controlling pedestrian and vehicular traffic, except essential emergency vehicles and personnel;
- (2) Designating specific zones within which the occupancy and use of buildings and the ingress and egress of vehicles and persons shall be prohibited or regulated;
- (3) Regulating and closing of places of amusement and assembly;
- (4) Prohibiting the sale and distribution of alcoholic beverages;
- (5) Prohibiting and controlling the presence of persons on public streets and places;
- (6) Subject to the provisions of Subsection H of this Section, regulating and controlling the possession, storage, display, sale, transport and use of firearms, other dangerous weapons and ammunition;
- (7) Regulating and controlling the possession, storage, display, sale, transport and use of explosives and flammable materials and liquids, including but not limited to the closing of all wholesale and retail establishments which sell or distribute gasoline and other flammable products;



(8) Regulating and controlling the possession, storage, display, sale, transport and use of sound apparatus, including but not limited to public address systems, bull horns and megaphones.

(9) Prohibiting the sale or offer for sale of goods or services within the designated emergency area for value exceeding the prices ordinarily charged for comparable goods and services in the same market area at, or immediately before, the time of the state of emergency, unless the price of the seller is attributable to fluctuation in the applicable commodity markets, applicable regional or national market trends, or to reasonable expenses and a charge for any attendant business risk in addition to the cost of the goods and services which necessarily are incurred in procuring or selling the goods and services during the state of emergency.

B. Such orders shall be effective from the time and in the manner prescribed in such orders and shall be published as soon as practicable in a newspaper of general circulation in the area affected by such order and transmitted to the radio and television media for publication and broadcast. Such orders shall cease to be in effect five days after their promulgation or upon declaration by the governor that the state of emergency no longer exists, whichever occurs sooner; however, the chief law enforcement officer, with the consent of the governor, may extend the effect of such orders for successive periods of not more than five days each by republication of such orders in the manner hereinabove provided.

C. All orders promulgated pursuant to this section shall be executed in triplicate and shall be filed with the clerk of court of the parish affected and with the secretary of state of this state.

D. During any period during which a state of emergency exists the proclaiming officer may appoint additional peace officers or firemen for temporary service, who need not be in the classified lists of such departments. Such additional persons shall be employed only for the time during which the emergency exists.

E. During the period of the existence of the state of emergency the chief law enforcement officer of the political subdivision may call upon the sheriff, mayor, or other chief executive officer of any other parish or municipality to furnish such law enforcement or fire protection personnel, or both, together with appropriate equipment and apparatus, as may be necessary to preserve the public peace and protect persons and property in the requesting area. Such aid shall be furnished to the chief law enforcement officer requesting it insofar as possible without withdrawing from the political subdivision furnishing such aid the minimum police and fire protection appearing necessary under the circumstances. In such cases when a state of emergency has been declared by the governor pursuant to R.S. 29:724 et seq., all first responders who are members of a state or local office of homeland security and emergency preparedness, including but not limited to medical personnel, emergency medical technicians, persons called to active duty service in the uniformed services of the United States, Louisiana National Guard, Louisiana Guard, Civil Air Patrol, law enforcement and fire protection personnel acting outside the territory of their regular employment shall be considered as performing services within the territory of their regular employment for purposes of compensation, pension, and other rights or benefits to which they may be entitled as incidents of their regular employment. Law enforcement officers acting pursuant to this Section outside the territory of their regular employment have the same authority to enforce the law as when acting within the territory of their own employment.

F. Notwithstanding the provisions of this Section, except in an imminent life threatening situation nothing herein shall restrict any uniformed employee of a licensed private security company, acting within the scope of employment, from entering and remaining in an area where an emergency has been declared. The provisions of this Subsection shall apply if the licensed private security company submits a list of employees and their assignment to be allowed into the area, to



the Louisiana State Board of Private Security Examiners, which shall forward the list to the chief law enforcement office of the parish and, if different, the agency in charge of the scene.

G. As used in this Section:

(1) "Disaster" shall have the same meaning as provided in R.S. 29:723(1).

(2) "Emergency" shall have the same meaning as provided in R.S. 29:723(2).

H. (1) Nothing in this Section shall authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition except as provided in Paragraph (2) of this Subsection.

(2) A peace officer who is acting in the lawful discharge of the officer's official duties may disarm an individual if the officer reasonably believes it is immediately necessary for the protection of the officer or another individual. The peace officer shall return the firearm to the individual before discharging that individual unless the officer arrests that individual for engaging in criminal activity, or seizes the firearm as evidence pursuant to an investigation for the commission of a crime.

#### **Credits**

Added by Acts 1969, No. 176, § 7. Amended by Acts 1990, No. 152, § 1, eff. July 1, 1990; Acts 1999, No. 267, § 1; Acts 2003, No. 40, § 1, eff. May 23, 2003; Acts 2004, No. 316, § 1, eff. June 18, 2004; Acts 2006, No. 275, § 1, eff. June 8, 2006; Acts 2008, No. 668, § 1; Acts 2009, No. 494, § 1.

#### **Notes of Decisions (8)**

LSA-R.S. 14:329.6, LA R.S. 14:329.6

Titles 1 to 12, 14, 15, 23 to 25, 29 and 45 of the Revised Statutes and the Civil Code, the Code of Civil Procedure, the Code of Criminal Procedure, the Code of Evidence and the Children's Code are current through the 2016 Regular Session, for all laws effective through December 31, 2016. All other statutes and codes are current through the 2016 First Extraordinary Session.

# Mayor calls curfew a backdoor political deal

August 16, 2016 8:03 PM in News

Source: WBRZ

By: Trey Schmaltz

BATON ROUGE - The mayor started a very public feud with the sheriff in a live TV interview Tuesday night over a curfew set for Tuesday night.

The curfew is from 10 p.m. Tuesday to 6 a.m. Wednesday. The sheriff announced the curfew in a news conference with state officials earlier Tuesday after ten people were arrested the night before for looting in East Baton Rouge.

East Baton Rouge Parish Sheriff Sid Gautreaux said he was able to call for the curfew after the governor made an executive order, giving him clearance to make such a decision.

The sheriff said he asked the governor to give him the authority after indecision by EBR Mayor-President Kip Holden.

Hours after the curfew was announced, Holden blasted the sheriff. Holden *said the sheriff* used a dirty, backdoor political deal with the governor to take control.

"I'm the mayor of Baton Rouge, President of the parish," the mayor exclaimed in a live phone conversation with WBRZ anchors Sylvia Weatherspoon and Michael Shingleton during live, extended coverage of the aftermath of wide-spread flooding in the city.

"We are all for people abiding by the law," Holden said, but questioned how *the curfew was going* to be enforced.

Holden said business owners called him to complain about the curfew, concerned employees would not be able to get to work or would



negatively impact business income Tuesday evening. Earlier, though, Gautreaux said he set the curfew after first talking to businesses.

Holden said he received complaints from many restaurants and bars. Gautreaux said residents were concerned about the safety of their property and asked him why a curfew was not enacted earlier.

"As sheriff, I fully recognize the mayor-president has the authority to call a curfew," the sheriff said. He added, "I have never questioned that authority. However, in my conversations... he has not been willing to [set a curfew]."

"I questioned his decision," the sheriff said.

The sheriff said looters targeted businesses and homes overnight Monday.

When questioned about the looting on TV, Holden said the problems were in key areas and brushed them off as minor. The sheriff said deputies found four people breaking into a business.

Holden said the curfew as not thought out, was "petty politics" and was an argument over political muscle he was not interested in getting involved in. Holden discussed his frustrations with the curfew in a seven-minute interview.

Holden promised, though, no matter what, safety is everyone's top priority.

"They are going to be safe. We all are going to take care of them."

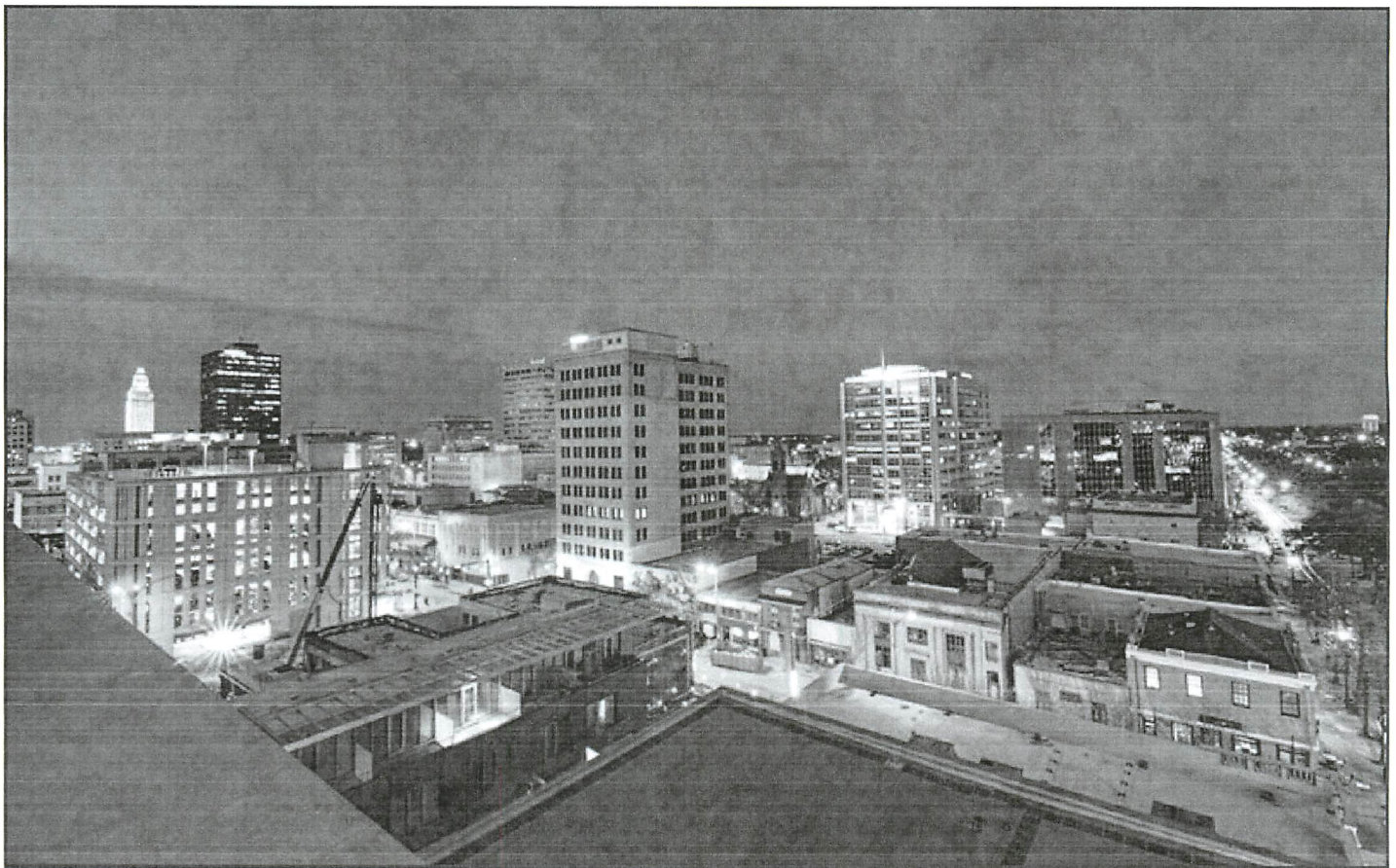


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## Baton Rouge business owners grow increasingly frustrated with curfew, in effect for at least another night

STEVE SANOSKI | @SteveSanoski  
<https://twitter.com/SteveSanoski>

AUGUST 18, 2016



Night view of downtown Baton Rouge. Business owners say a curfew, implemented by the East Baton Rouge Sheriff's Office, is adversely impacting restaurants and bars downtown and in other areas. iStockphoto

The 10 p.m. curfew that has been in effect since Tuesday will continue this evening, an East Baton Rouge Parish Sheriff's Office spokeswoman confirms, adding there is "no set timeline" on when it will expire and whether it ends "all depends on conditions."

The uncertainty over when the curfew will be lifted is among the chief concerns many Baton Rouge business owners have as the weekend approaches.

"We'll lose 30 to 50 percent of our business if this thing continues into the weekend," says Neal Hendrick, owner of Zippy's in the Perkins Road overpass neighborhood, who adds business has been off about 30% the past few nights due to the curfew. "We're already having to close early and turn away business. They're killing us with this."

Hendrick and a number of other business owners who *Daily Report* reached today—primarily those who own bars and restaurants—are questioning the necessity of the curfew. So, too, do Mayor Kip Holden and Metro Councilman John Delgado, who owns three downtown bars.

"Oh no," says Holden about whether he feels the curfew is needed tonight. "It wasn't even necessary last night."

EBR Sheriff Sid Gautreaux—who requested approval to enforce the curfew from Gov. John Bel Edwards after Holden did not impose one himself—maintains the curfew is needed to ensure public safety and stem any looting that might take place in the parish. Though Gautreaux did not return a call seeking comment, EBR's spokeswoman Casey Rayborn Hicks issued a statement from the sheriff that says, "This curfew will not be long term. I will remove it when it is safe to do so."

Chad Hughes, co-owner of Ivar's Sports Bar & Grill near the Perkins Road overpass, says the lack of clarity about the curfew is nearly as frustrating as the curfew itself.

"I've gotten 10 phone calls from other business owners today asking me about it, and I had 20 yesterday," says Hughes. "They want to know if it's really being enforced, what the penalty is if you're out after curfew and whether people can be out after 10 p.m. as long as they're heading home from work. They've done a terrible job of communicating the specifics on this."

Hicks provided some clarity this afternoon, though it appears it will be up to individual law enforcement officers to determine whether or not someone has a "legitimate" reason to be out after curfew.

"People traveling to and from work will not have issues," Hicks says in an email to *Daily Report*. "The curfew gives law enforcement probable cause to stop and question someone out after curfew to determine if they have a legitimate reason to be there. Those traveling to and from work, delivering food, fuel, etc. will not have issues. Those that do not have a good reason to be out are subject to arrest."

About 14 people were reportedly arrested earlier this week for looting. Delgado says the curfew may make sense in areas where power is out or roads are still impassable, but he sees no need for it in areas of Baton Rouge that were not affected by flooding, such as Perkins Rowe, the Perkins Road overpass and downtown.

"Ninety percent of the parish has power and 90 percent of the roads are passable, so to lock down everyone in the parish just doesn't make any sense to me," says Delgado, who sent Gautreaux a letter asking him to lift the curfew. Delgado says he has not gotten a direct response.

What all of the business owners reiterate is that the curfew is mostly hurting their employees, many of whom have been impacted by flooding and are wanting to return to work to begin making some money again.

"It's not a selfish thing," says Hughes. "As a business we'll be fine, but I have employees with bills to pay. I have employees whose homes have been flooded and whose family members' homes have been flooded. This is their livelihood. They're begging for shifts."

—Steve Sanoski

19 Comments ([https://www.businessreport.com/article/baton-rouge-business-owners-grow-increasingly-frustrated-curfew-effect-least-another-night#disqus\\_thread](https://www.businessreport.com/article/baton-rouge-business-owners-grow-increasingly-frustrated-curfew-effect-least-another-night#disqus_thread))

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## Availability of multifamily units in greater Baton Rouge shrinks after the flood

STEPHANIE RIEGEL

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As state officials try to wrap their collective head around the temporary housing crisis that is emerging in the wake of the historic flood, one of the biggest challenges is finding what available inventory remains in the Capital Region's multifamily market.

While no one has exact numbers just yet, inventory is being rapidly depleted. Before the flood, only 6% of the Capital Region's roughly 33,100 multifamily units were vacant, according to data compiled for the Greater Baton Rouge Association of Realtors' annual Trends report. In high-demand areas of Livingston and