

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

KAREN C. MADISON, ET AL.	*	CIVIL ACTION
VERSUS	*	NO. 22-4653
ST. BERNARD PARISH SHERIFF’S DEPARTMENT, ET AL.	*	DIVISION 2

**ORDER AND REASONS**

Plaintiffs Karen C. Madison and Samuel Scott filed this 42 U.S.C. § 1983 Complaint<sup>1</sup> on November 26, 2022, naming as Defendants, *inter alia*, the St. Bernard Parish Sheriff’s Department, “Unknown Deputies,” and Louisiana Sheriff’s Association Risk Management Fund. ECF No. 1. Given Plaintiffs’ failure to timely serve these defendants, on September 22, 2023, this Court ordered Plaintiffs to show cause why Defendants St. Bernard Parish Sheriff’s Department and the Louisiana Sheriff’s Association Risk Management Fund should not be dismissed. ECF No. 18. Plaintiffs timely filed a written response, after which the parties participated in a preliminary conference and show cause hearing on September 29, 2023. ECF No. 21.

After discussion of *Taylor v. Bayou Correctional Center, LLC*,<sup>2</sup> Plaintiffs’ counsel agreed that there is no direct action against the Louisiana Sheriff’s Association Risk Management Fund as defendants’ insurer. Plaintiffs’ counsel also agreed that, under established law, a police department such as the St. Bernard Parish Sheriff’s Department is not a person subject to suit under

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<sup>1</sup> Plaintiffs also allege violations of §§ 1981, 1985, 1986, 1988, various Constitutional Amendments, and Louisiana civil and criminal codes.

<sup>2</sup> No. 21-3295, 2021 WL 6118739, at \*17 (W.D. La. Dec. 7, 2021) (McClusky, M.J.) (citing *Chesser v. Jackson*, 2004 WL 231332, at \*1 (E.D. La. Feb. 3, 2004) (“[T]he Louisiana Sheriff’s Risk Management Agency is not an insurance company and it is not subject to a direct action pursuant to the Louisiana Direct Action statute.”); *Saucier v. Layrisson*, 1991 WL 62110, at \*1 (E.D. La. Apr. 18, 1991) (finding that the Sheriffs’ Association was exempt from the direct action statute); *Brasseaux v. Lafayette Par. Police Jury*, 759 So. 2d 209, 1999-1776 (La. App. 3 Cir. 4/5/00) (“[T]he [Louisiana Sheriff’s Risk Management Agency] is not an insurance company.”)), *R.&R. adopted*, No. 21-3295, 2021 WL 6113413 (D.D. La. Dec. 27, 2021).

42 U.S.C. § 1983<sup>3</sup> and is also unnecessary given that Sheriff Polhmann was named and served. Therefore, the Court declined to extend the time for service of these defendants under Rule 4(m).

On October 19, 2023, upon receipt of the parties' consent to proceed before a United States Magistrate Judge in accordance with 28 U.S.C. § 636(c), Judge Vance entered an Order of Reference in which she referred this matter to the undersigned to conduct all further proceedings, including the entry of a final judgment.

Accordingly, considering the applicable law, Plaintiffs' recognition that neither St. Bernard Parish Sheriff's Department nor LSARMF are proper defendants in this suit, and the failure to timely serve them,

IT IS ORDERED that Plaintiffs' claims against the St. Bernard Parish Sheriff's Department and the Louisiana Sheriff's Association Risk Management Fund are DISMISSED.

New Orleans, Louisiana, this 27<sup>th</sup> day of October, 2023.

  
DONN PHILLIPS CURRAULT  
UNITED STATES MAGISTRATE JUDGE

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<sup>3</sup> See *Francis v. Terrebonne Parish Sheriff's Office*, No. 08-4972, 2009 WL 4730707, at \*2 (E.D. La. Dec. 9, 2009) (citing *Cozzo v. Tangipahoa Parish Council-President Government*, 279 F.3d 273, 283 (5th Cir. 2002)); *Williamson v. Louisiana*, No. 08-4598, 2008 WL 5082911, at \*3 (E.D. La. Nov. 24, 2008); *Martin v. Davis*, No. 06-1770, 2007 WL 763653, at \*2 (E.D. La. Mar. 8, 2007) (citing LA. REV. STAT. ANN. § 33:361 and *Causey v. Parish of Tangipahoa*, 167 F. Supp. 2d 898, 909 (E.D. La. 2001)); *Fitch v. Terrebonne Parish Sheriff Dep't*, No. 06-3307, 2006 WL 2690077, at \*2 (E.D. La. Sept. 18, 2006); *Calhoun v. Sanderson*, No. 01-3765, 2003 WL 1595088, \*5 (E.D. La. Mar. 25, 2003) (sheriff's office); *Creppel v. Miller*, No. 92-2531, 1993 WL 21408, \*1 (E.D. La. Jan. 22, 1993) (sheriff's office); *Causey*, 167 F. Supp. 2d at 909 (city police department); *Melancon v. New Orleans Police Dept.*, No. 08-5005, 2009 WL 249741 at \*2 (E.D. La. Jan. 30, 2009) (Order adopting Report and Recommendation) (citing *Montoya v. Taylor*, 44 F. 3d 1005 n.1 (5th Cir. 1995)) (city police department).