

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

GABRIELLE C. JAMESON AND KIM L.
JAMESON WIFE OF/AND BOBBY A.
JAMESON

NO. 2022 CW 0857

VERSUS

HONORABLE WARREN L. MONTGOMERY,
IN HIS INDIVIDUAL AND OFFICIAL
CAPACITY AS THE DISTRICT
ATTORNEY OF ST. TAMMANY PARISH,
IAIN DOVER, IN HIS INDIVIDUAL
CAPACITY AND UNDERWRITERS AT
LLOYD'S, LONDON A/K/A LLOYD'S
ILLINOIS, INC.

NOVEMBER 7, 2022

In Re: Warren L. Montgomery, individually and in his official capacity as District Attorney, 22nd Judicial District, State of Louisiana, Iain Dover in his individual capacity, and Certain Underwriters at Lloyd's, London, applying for supervisory writs, 22nd Judicial District Court, Parish of St. Tammany, No. 2022-10943.

BEFORE: THERIOT, PENZATO, AND LANIER, JJ.

WRIT DENIED.

**MRT
AHP**

Lanier, J., dissents and would grant the writ. A District Attorney and his assistants are absolutely immune from civil liability for actions taken within the scope of their duties in initiating and pursuing a criminal prosecution. **Sinclair v. State ex rel. Dep't of Pub. Safety & Corr.**, 99-2290 (La. App. 1st Cir. 11/3/00), 769 So.2d 1270, writ denied, 2000-3331 (La. 1/25/02), 806 So.2d 665, cert. denied, 536 U.S. 910, 122 S.Ct. 2369, 153 L.Ed.2d 189 (2002). Plaintiffs, Gabrielle C. Jameson and Kim L. Jameson wife of/and Bobby A. Jameson, assert claims of prosecutorial misconduct and negligent hiring and supervision against defendants, District Attorney Warren Montgomery and Assistant District Attorney Iain Dover. The allegations contained in the pleadings involve actions that were performed within the course and scope of their prosecutorial functions in connection with a judicial proceeding, as opposed to administrative or investigative functions. As such, I find the conduct complained of falls within the ambit of absolute immunity protection. See **Knapper v. Connick**, 96-0434 (La. 10/15/96), 681 So.2d 944. Accordingly, I would reverse the trial court's July 22, 2022 judgment, grant the exception of no cause of action, and dismiss with prejudice plaintiffs' claims against defendants.

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a.s.n

DEPUTY CLERK OF COURT
FOR THE COURT