

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LEROY TENNART, ET AL.

CIVIL ACTION

VERSUS

NO. 17-179-JWD-EWD

CITY OF BATON ROUGE, ET AL.

CONSOLIDATED WITH

NIKOLE SMITH, ET AL.

CIVIL ACTION

VERSUS

NO. 17-436-JWD-EWD

CITY OF BATON ROUGE, ET AL.

ORDER

This matter comes before the Court on the *Motion for Summary Judgment* (Doc. 270) (“*LSP MSJ*”) filed by the certain defendants associated with the Louisiana State Police (“LSP”) (collectively, “LSP Defendants”)¹ in *Smith v. City of Baton Rouge*, No. 17-436-JWD-EWD. Plaintiffs have submitted a response, (Doc. 285), in which the *LSP MSJ* was opposed in part. LSP Defendants have filed a reply. (Doc. 294.) Oral argument is not necessary. The Court has carefully considered the law, the facts in the record, and the arguments and submissions of the parties and is prepared to rule.

By way of introduction, this case involves four plaintiffs who assert nineteen (19) claims arising from two protests which occurred in July 2016 in Baton Rouge following the killing of Alton Sterling by BRPD officers. Two plaintiffs, Nikole Smith and Sean Benjamin, seek relief for

¹ The LSP Defendants include: Julian Anderson, Jacob Brown, Murray Buquet, Kevin Cannatella, Samuel Capaci, John Clary, Jerry A. Cox, Jr., Mark Dennis, Joseph Dessens, Ian Dollins, Michael Edmonson, Aaron Guilliams, David Hamm, Brent Hardy, Joseph Hasselbeck, Herman Newell III, Reginald Taylor, and Philip VanGessel.

damages sustained in a protest which occurred on July 9, 2016, around Airline Highway. One plaintiff, Sofie Kosofsky, brought claims arising from a protest which occurred on Sunday, July 10, 2016, in downtown Baton Rouge, in and around the intersection of East Boulevard and France Street. The final plaintiff, Lubin Gilbert, was arrested on July 10, 2016, while riding his bicycle in the vicinity of the East and France protest.

In the instant motion, LSP Defendants seek dismissal of all claims against them. Plaintiffs say in response, “Plaintiffs Smith, Benjamin, and Gilbert concede that discovery has not revealed direct participation by LSP in their arrests, and as such their claims against LSP may be dismissed.” (Doc. 285 at 9.) Thus, as to these Plaintiffs, the motion will be granted.

Additionally, after this motion was filed, the parties filed a *Joint Notice of Settlement of Claims of Plaintiff Sophie Kosofsky*. (Doc. 311.) In that notice, the parties represent that Kosofsky resolved her claims with the LSP Defendants. (*Id.* at 1.) Kosofsky was subsequently dismissed from this action. (Doc. 312.)

Accordingly,

IT IS ORDERED that the *Motion for Summary Judgment* (Doc. 270) filed by the LSP Defendants is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** in that all claims by Plaintiffs Nikole Smith, Sean Benjamin, and Lubin Gilbert against the LSP Defendants are **DISMISSED WITH PREJUDICE**. The motion is **DENIED AS MOOT** with respect to Plaintiff Sophie Kosofsky.

Signed in Baton Rouge, Louisiana, on November 18, 2022.



**JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**