

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

CHRISTOPHER PERRE,	*	CIVIL ACTION
KEVIN CROSSEN, MITCHELL ARBAUGH	*	
MICHAEL GIARRUSSO	*	
AND BRANDON BARTHEL	*	
	*	
VERSUS	*	NO.: 2023-
	*	
EAST BANK CONSOLIDATED SPECIAL	*	JUDGE:
SERVICE FIRE PROTECTION DISTRICT,	*	
CYNTHIA LEE SHENG, PARISH	*	MAGISTRATE:
OF JEFFERSON, BRYAN ADAMS AND	*	
DAVID TIBBETTS,	*	
all in their official capacities	*	
	*	
	*	
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COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COME the Plaintiffs, by and through their attorney, and for their Complaint they state that:

JURISDICTION, PARTIES, VENUE

1. This action arises out of Plaintiffs’ employment and is an action to enforce civil rights pursuant to 42 U.S.C. § 1983.
2. This Court has jurisdiction over Count I pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3) and (4).
3. This Court has jurisdiction over Count II pursuant to 28 U.S.C. § 1367.

4. The Plaintiffs, namely, CHRISTOPHER PERRE, MICHAEL GIARRUSSO, KEVIN CROSSEN, MITCHELL ARBAUGH and BRANDON BARTHEL, are residents of this District who have been employed by Defendant, East Bank Consolidated Special Service Fire Protection District (“FIRE DEPARTMENT”) for all times material to this Complaint.

5. All Defendants named herein are liable in their official capacities for violations of Plaintiffs’ constitutional rights incurred through implementation of the official policy and custom that is the moving force of the constitutional deprivation.

6. Plaintiffs are also classified employees in the Fire and Police Civil Service through La. R.S. § 33:2531 *et. seq.* and Article X, Section 16 of the Louisiana Constitution of 1974 and as such have a constitutionally protected property right in their public employment.

7. Defendant, the PARISH OF JEFFERSON is a governmental entity existing by laws of the State of Louisiana and is located within this District, and on information and belief exerts policymaking authority upon the FIRE DEPARTMENT and its employees.

8. Defendant, JEFFERSON PARISH COUNCIL is the legislative and policy making body of the FIRE DEPARTMENT pursuant to Jefferson Parish Charter Section 2.01(A).

9. Defendant, CYNTHIA LEE SHENG, is the JEFFERSON PARISH PRESIDENT and is the appointing authority for the FIRE DEPARTMENT, on information and belief the Parish President mandated the policy and custom complained of herein.

10. Defendant, BRYAN ADAMS, is the current FIRE CHIEF of the FIRE DEPARTMENT and is named in his official capacity insofar as it is determined that he is the official policymaker of the FIRE DEPARTMENT. Defendant, DAVID TIBBETS was the FIRE CHIEF of the FIRE DEPARTMENT and is named in his official capacity insofar as it is

determined that he was the policymaker of the FIRE DEPARTMENT when the unconstitutional order complained of herein was issued in his name.

### BACKGROUND

11. For all times material to this Complaint, the Plaintiffs were and have been employed by the FIRE DEPARTMENT.

12. On or around February 3, 2022, the then existing Fire Chief of the FIRE DEPARTMENT ordered the Plaintiffs (and other classified fire employees) to submit to a fingerprint search in and around February 3, 2022 (and further thereafter).

13. There was no “special need” for any of the Plaintiffs to submit to a search and seizure of their fingerprints as that term is understood under federal and state constitutional law.

14. The order was under penalty of disciplinary action including termination for insubordination. The order was in response to fire employee’s refusal to provide fingerprints to the FIRE DEPARTMENT. The order was issued pursuant to an official policy and custom of the FIRE DEPARTMENT.

15. There was no valid basis for the taking of the Plaintiffs’ fingerprints such that the Plaintiffs’ constitutional rights were violated, namely:

- (a) The right to only be subjected to reasonable search and/or seizures as guaranteed by the 4<sup>th</sup> Amendment and/or the 14<sup>th</sup> Amendment of the United States Constitution.
- (b) Moreover, turning over private information such as fingerprints as a condition of already vested public employment and associated constitutionally protected property rights is an additional violation of Plaintiffs’ constitutional rights

under the 14<sup>th</sup> Amendment of the United States Constitution guarantee of due process of law.

COUNT I: DEPRIVATION OF THE PLAINTIFFS' CIVIL RIGHTS AS TO ALL DEFENDANTS

16. The Plaintiffs incorporate paragraphs 1 through 15 above by reference.

17. Under color of state law and either by explicit act or by accepted custom, the Defendants did violate the Plaintiffs' 4<sup>th</sup> Amendment and/or 14th Amendment rights to be free from unreasonable searches and seizures contrary to 42 U.S.C. 1983.

18. As a direct and proximate result, the Plaintiffs have sustained damages including, but not necessarily limited to the following:

- a. Mental anguish stemming from outrage experienced as a result of the actions they experienced;
- b. Embarrassment and humiliation;
- c. Shock and mortification from threats to comply with unconstitutional order; and
- d. Costs and attorney fees.

WHEREFORE, your Plaintiffs respectfully request this Honorable Court to enter a judgment in their favor against the Defendants, jointly and severally in their official capacities, awarding each of them an amount to which each of them is entitled for compensatory, exemplary and special damages; granting each of them equitable relief and awarding each of them costs, interest, and attorney fees so wrongfully incurred.

COUNT II: DEPRIVATION OF PLAINTIFFS STATE CONSTITUTIONAL RIGHTS AS TO ALL DEFENDANTS

19. The Plaintiffs incorporate paragraphs 1 Through 18 above by reference.

20. By virtue of their actions, the Defendants also violated the Plaintiff's rights as guaranteed by the Louisiana Constitution of 1974, specifically Article I, §5.

21. As a direct and proximate result, the Plaintiffs have sustained the damages set forth at paragraph 18 above.

WHEREFORE, your Plaintiffs respectfully request this Honorable Court to enter a judgment in their favor against the Defendants, jointly and severally in their official capacities, awarding each of them an amount to which each of them is entitled for compensatory, exemplary and special damages; granting each of them equitable relief and awarding each of them costs, interest, and attorney fees so wrongfully incurred.

DEMAND FOR TRIAL BY JURY IS HEREBY MADE

Respectfully Submitted:

/s/ Brandon J. Venegas  
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