

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

WATIKA DALTON O/B/O HER *
MINOR CHILDREN, JA’KERA *
RICHARDSON, JA’KAYLA *
RICHARDSON, AND JAMESTAVEUS *
BATEASTE IN HIS INDIVIDUAL *
CAPACITY *

CASE NO.

VS. *

JURY TRIAL DEMANDED

MIKE CAZES, IN HIS CAPACITY AS *
WEST BATON ROUGE SHERIFF, *
WEST BATON ROUGE SHERIFF *
OFFICE, PARISH OF WEST BATON *
BATON ROUGE, VANCE MATRANGA *
, BRETT CAVALIERE, “ABC *
INSURANCE COMPANY,” “XYZ *
INSURANCE COMPANY,” “QRS *
INSURANCE COMPANY” *

COMPLAINT WITH JURY DEMAND

NOW INTO COURT, through undersigned counsel, comes the Plaintiff, Watika Dalton, on behalf of her minor children Ja’kera Richardson and Ja’Kayla Richardson, a person of full age and of majority, resident and domicile of East Baton Rouge Parish and Jamestaveus Bateaste a person of full age of majority, resident and domicile of Amite County, Mississippi respectfully represent the following:

PARTIES

1.
Made Defendants herein are the following:

- a) PARISH OF WEST BATON ROUGE, a local government entity and body politically created by statute, being a municipality, and political subdivision of the State of Louisiana, but not an agency, or department, or arm of the State of Louisiana (hereinafter sometimes referred to as “Parish”), and owns, operates, manages, directs, and controls the WEST BATON ROUGE PARISH DEPARTMENT (“WBRSO”), which employs Defendant Vance Matranga and Defendant Brett Cavillier;
- b) VANCE MATRANGA, was at all relevant times to this complaint a deputy in the West Baton Rouge Parish Sheriff Office, is a person of full age and of majority, domiciled in West Baton Rouge Parish. He is sued in his official and individual capacity;
- c) SHERIFF MIKE CAZES, is and was at all relevant times the Sheriff of WBRSO, a person of full age and majority domiciled in West Baton Rouge Parish. He is sued in his official capacity;
- d) BRETT CAVALIERE, was at all relevant times to this complaint a deputy in the West Baton Rouge Parish Sheriff Office, is a person of full age and of majority, domiciled in West Baton Rouge Parish. He is sued in his individual and official capacity;
- e) ABC INSURANCE COMPANY, an insurance company authorized to do, and doing business in the State of Louisiana providing general liability coverage for Sheriff Cazes, Deputy Vance Martagena, Deputy Brett Cavillier and/or Parish of West Baton Rouge and the West Baton Rouge Sheriff Office for any and all acts and damages occurring from this incident;
- f) XYZ INSURANCE COMPANY, an insurance company authorized to do, and doing business in the State of Louisiana providing EXCESS liability coverage to the West Baton Rouge Sheriff Office, its agents, and the Parish of West Baton Rouge.
- g) QRS INSURANCE COMPANY, an insurance company authorized to do, and doing business in the State of Louisiana providing GENERAL liability and EXCESS liability to both Vance Matranga and Brett Cavillier as members for any and all acts and damages occurring from this incident;
- h) At all times relevant to this complaint, all defendants acted in concert and conspiracy and were jointly and severally responsible for the harms caused to plaintiff.
- i) At all times to this Complaint, all defendants acted under the color of state law.
- j) THIS PETITION PUTS ON NOTICE ANY EXCESS POLICY COVERING THE PARISH OF WEST BATON ROUGE, THE WEST BATON ROUGE SHERIFF OFFICE, SHERIFF MIKE CAZES, ANY EMPLOYEE OF THE WEST BATON ROUGE SHERIFF OFFICE, AND ANY POTENTIAL UNION POLICY COVERING THE INDIVIDUAL SHERIFF DUPUTIES NAMED INDIVIDUALLY IN THIS SUIT.

JURISDICTION AND VENUE

2.

The United States District Court has jurisdiction over the subject matter of this complaint under 42 U.S.C. 1983 and 28 U.S.C. 1331, 1343(a)(3), and 1367(a).

3.

The Middle District of Louisiana is the appropriate venue to bring this complaint, because the facts that give rise to Plaintiff's claims all took place within the Middle District of Louisiana.

FACTUAL ALLEGATIONS SURROUNDING JULY 25, 2019

4.

On July 25, 2019, Sheriff Deputy, Brett Cavaliere obtained a "no knock" search warrant for "room number 5" at the Budget 7 Motel, located at 1534 U.S. 190 Port Allen, LA 70767.

5.

The search warrant was signed by the Hon. Tonya Lurry.

6.

Deputies with the River West Narcotics Task Force, executed the search warrant sometime after 11:00pm on July 25, 2019. Deputy Cavaliere and Sheriff Deputy Vance Matranga were two of the law enforcement officers that executed the warrant.

7.

During the execution of the search warrant, Josef Richardson, one of the occupants inside the room was shot in the back of his head, and was killed.

8.

The West Baton Rouge Parish Coroner ruled Mr. Richardson's death a homicide.

9.

Mr. Richardson was not armed with a weapon, nor was a weapon found inside of the motel room that he was occupied. In fact, Mr. Richardson was only clothed in his underwear when West Baton Rouge Sheriff Deputies entered into the motel room.

10.

According to eyewitness, Jessica Clouatre (who was also sharing the room with Mr. Richardson), Mr. Richardson was shot only a few seconds after the deputies entered into the room.

11.

Ms. Clouatre recalls the firearm being pointed directly to the back of Mr. Richardson's skull before it discharged.

12.

The deputies who were involved in the killing of Mr. Richardson have been placed on administrative leave.

13.

Sheriff Deputy, Vance Matranga, is believed to be the shooter, in the killing of Mr. Richardson.

14.

There was no legal cause to justify the use of force against Mr. Richardson, and the force used against Mr. Richardson was unreasonable and excessive.

15.

At all times relevant to this Complaint, the conduct of Defendants Cavaliere and Matranga were in willful, reckless, and callous disregard of Mr. Richardson's life and rights under federal and state law.

16.

All Defendants acted jointly and in concert and conspiracy which lead to the death of Mr. Richardson.

17.

As a direct result and proximate result of the conduct of all Defendants, the Plaintiffs suffered and continues to suffer extraordinary damages, including the wrongful death of their father, emotional distress, and trauma, loss of the enjoyment of life, psychological harm, and pain and suffering, some of which may be permanent.

**FACTUAL ALLEGATIONS SURROUNDING EMPLOYMENT, TRAINING,
SUPERVISION, AND DISCIPLINE OF DEFENDANTS CAVALIERE AND
MATRANGA**

18.

The West Baton Rouge Parish utilizes and employs its own sheriff department known as the West Baton Rouge Sheriff Office (WBRSO). The Sheriff at all relevant times before, during, and after this incident was Sheriff Mike Cazes, making him the responsible decisionmaker and policymaker for the WBRSO.

19.

The shooting, misrepresentations, and illegal conduct sued upon herein occurred in the Parish of West Baton Rouge, and in the exclusive territorial jurisdiction of the West Baton Rouge Parish Sheriff Office.

20.

In Sheriff Cazes official capacity, he was and is responsible for adopting, implementing, promulgating, and enforcing policies, customs, and practices pertaining to making arrest and preserving peace in the Parish of West Baton Rouge.

21.

Additionally, Sheriff Cazes is responsible for the screening, hiring, disciplining, training, supervising, and the retraining of West Baton Rouge Parish Sheriff Officers to ensure each officer was and is qualified and properly trained to perform the duties and functions of a peace officer including making arrests, preserving the peace, and the constitutional use of deadly force.

22.

Based on the extreme misconduct of Defendants Cavaliere and Matranga and upon information and belief, Defendants Cazes, WBRSO, and the Parish of West Baton Rouge did not properly examine and scrutinize the background of the Defendants Cavaliere and Martagna.

23.

Based on the extreme misconduct of Defendants Cavaliere and Matranga and upon information and belief, Defendants Cazes, WBRSO and the Parish of Baton Rouge did not properly train, supervise, and/or discipline Defendants Cavaliere and Matranga with regard to proper police practices.

24.

Upon information and belief, in willful, reckless, and callous disregard to Mr. Richardson's life and rights under federal and state law, Defendants Cazes, WBRSO, and the Parish of West Baton Rouge did not have a deadly use of force policy in place for the Parish of West Baton Rouge at all relevant times.

25.

Upon information and belief, members of the "River West Narcotics Task Force" are given more latitude from the WBRSO when it comes to the use of force (deadly or otherwise) than other officers. This latitude extends to investigations and discipline of officers who are members of the "River West Narcotics Task Force." Officers who are part of the "River West Narcotics Task

Force,” who are investigated for excessive use of force are often cited for reduced or minor violations and are rarely recommended to the District Attorney for criminal prosecution.

26.

Defendants Cavaliere and Matranga extreme misconduct was a product of this environment and undertaken pursuant to de facto policies, practices, and/or customs—both written and unwritten—of the WBRSO and the Parish of West Baton Rouge. Defendants Cazes, WBRO, and Parish of West Baton Rouge are guilty of the following wrongful acts, including but not limited to:

1. Failing to properly hire, supervise, and train WBRSO Officers;
2. Failing to reprimand and discipline WBRSO Officers who engage in misconduct;
3. Failing to retrain and/or otherwise control WBRSO Officers who engage in excessive force and/or unjustified shooting against civilians;
4. Failing to follow appropriate policies and procedures to address and correct repeated use of excessive force;
5. Failing and inadequately investigating complaints and allegations of excessive force and other misconduct by WBRSO Officers;
6. Failing and inadequately investigating complaints and allegations of excessive force and other misconduct by members of the “River West Narcotics Task Force;”
7. Failing to retrain and otherwise control WBRSO Officers who engage in excessive force and unjustified use of deadly force;
8. Failing to retrain and otherwise control members of the “River West Narcotics Task Force” who engage in excessive force and unjustified use of deadly force;
9. Failing to properly investigate allegations prior to issuing arrest warrants;
10. Tacitly approving of WBRSO Officers using their power and position to interfere with other citizens’ rights;
11. Tacitly approving of members of the “River West Narcotics Task Force” using their power and position to interfere with other citizens’ rights;
12. As a matter of both policy and practice the Parish of West Baton Rouge and the WBRSO facilitating this type of misconduct by failing to protect civilians from reckless

- indifference of Defendant's Parish agents, servants, and employees in its Sheriff Department; and
13. Allowing the practice and custom of a "police code of silence," resulting in WBRSO Officers refusing to report instances of police misconduct of which they are aware.

27.

As a direct result and proximate result of the conduct of Defendants, Plaintiff suffered and continues to suffer extraordinary damages, including the prolonged loss of liberty, emotional distress, and trauma, loss of the enjoyment of life, psychological harm, and pain and suffering, some of which may be permanent, as well as financial losses.

CAUSES OF ACTION

Count I

Plaintiff v. Defendant Cavaliere, Defendant Matranga, and Defendant Cazes Federal Constitutional Claims

28.

The actions of Defendant Cavaliere, Defendant Matranga, Defendant Cazes, violated Mr. Richardson rights under the Fourth and Fourteenth Amendments to be free from the unlawful use of force.

Count II

Plaintiff v. Defendant Cazes and Defendant WBRSO Federal Constitutional Claims

29.

The actions or inactions of Defendant Cazes and Defendant WBRSO violated Mr. Richardson's rights under the Fourth and Fourteenth Amendments to the U.S. Constitution,

directly or proximately causing his death suffered due to Defendant Cazes and Defendant WBRSO failure to train, supervise, and discipline Defendants Cavaliere and Matranga.

30.

The actions or inactions of Defendant Cazes and Defendant WBRSO violated Mr. Richardson's rights under the Fourth and Fourteenth Amendments to the U.S. Constitution directly or proximately, causing Mr. Richardson's death by creations of or failure to correct unconstitutional policies, practices, patterns, and/or customs.

Count III

Plaintiff v. Defendant the Parish of West Baton Rouge Federal Constitutional Claims

31.

The violations of Plaintiff's constitutional rights under the Fourth and Fourteenth Amendments to the U.S. Constitution, Plaintiff's damages, and/or the conduct of the individual Defendants were directly and proximately caused by the actions and/or inactions of the Defendant the Parish of West Baton Rouge, which has encouraged, tolerated, ratified, and has been deliberately indifferent to the following policies, patterns, practices, and customs, and to the need for more or different training, supervision, investigation, or discipline in the areas of:

- a. The unjustified use of "no-knock" warrants
- b. Use of force by police officers;
- c. Police officers' duties and responsibilities to engage in proper investigative techniques;

- d. The proper exercise of police powers, including not limited to the making of an arrest and the use of deadly force;
- e. Sheriff Deputies duties not to kill its citizens;
- f. Sheriff Deputies duties not to un-necessarily draw their firearms against citizens;
- g. Sheriff Deputies duties not to un-necessarily use deadly force;
- h. The monitoring of deputies whom it knew or should have known were suffering from emotional and/or psychological problems that impaired their ability to function as officers;
- i. The failure to identify and take remedial or disciplinary action against deputies who were the subject of prior civilian or internal complaints of misconduct;
- j. Failing to retrain and/or otherwise control deputies who engage in excessive force and/or unjustified shooting against civilians;
- k. Failing to follow appropriate policies and procedures to address and correct repeated use of excessive force;
- l. Failing to investigate, or inadequately investigating complaints and allegations of excessive force and other misconduct by members of the “River West Narcotics Task Force”;
- m. Failing to retrain and otherwise control members of the “River West Narcotics Task Force” who engage in excessive force and unjustified use of deadly force;
- n. The hiring and retention of deputies who are unqualified for their employment positions;

- o. Sheriff Deputies use of their status as deputies to employ the use of force or to achieve ends not reasonably related to their law enforcement duties;
- p. The failure of sheriff deputies to follow established policies, procedures, directive, and instructions regarding arrests, use of force, and institution of criminal charges under such circumstances as presented by this case;
- q. The failure to properly sanction or discipline deputies who are aware of and conceal and/or aid and abet violations of constitutional rights of citizens by other West Baton Rouge Parish Sheriff Officers;
- r. As a matter of both policy and practice the Parish of West Baton Rouge and the WBRSO facilitating this type of misconduct by failing to protect civilians from reckless indifference of Defendant's Parish agents, servants, and employees in its Sheriff Department;

Count IV

**Plaintiff v. Defendants Cavaliere, Matranga, Cazes, WBRSO, and the Parish of West Baton Rouge
State Law Claims**

32.

The Plaintiffs allege that the Defendants are responsible and liable under Louisiana Code of Civil Procedure Articles 2315 and 2317, which requires that every act whatever man that causes damage obligates him by whose fault it is to repair it; and individuals are responsible not only for

damage occasioned by their own acts, but also for damage caused by acts of persons for whom the individual is answerable, or of the thing which the individual has in his custody.

33.

The actions and/or inactions of Defendants Cavaliere and Matranga, under the law of the State of Louisiana, constitute the torts of:

- a. Wrongful Death;
- b. Aggravated Assault;
- c. Negligent Infliction of Emotional Distress;
- d. Abuse of Process.

34.

The actions and/or inactions of Defendants Cazes and the Parish of West Baton Rouge, under the law of the State of Louisiana, constitute the torts of:

- a. Wrongful Death;
- b. Aggravated Assault;
- c. Negligent Infliction of Emotional Distress;
- d. Negligent Hiring;
- e. Negligent Retention;
- f. Negligent Supervision;
- g. Abuse of Process.

JURY TRIAL DEMAND

34.

The Plaintiffs request a trial by jury.

PRAYER FOR RELIEF

63.

The Plaintiffs respectfully request:

- a. Compensatory damages as to all Defendants;
- b. Special Damages as to all Defendants;
- c. Punitive damages as to Defendants Cavaliere, Matranga, Cazes, and WBRSO;
- d. Reasonable attorneys' fees and costs as to all Defendants;
- e. Such other and further relief as may appear just and appropriate

WHEREFORE, Watika Dalton o/b/o of her minor children Ja'Kayla Richardson and Ja'Kera Richardson, and Jamestaveus Bateaste in his individual capacity, pray that a copy of the above petition is served upon all of the Defendants named herein, and that after all proceedings a judgment is rendered in favor of Plaintiffs and against Defendants for all relief deemed equitable under the law including attorney's fees and costs.

/s/ Ronald S. Haley, Jr.

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