

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA**

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ANNE WHITE HAT, RAMON MEJÍA, KAREN SAVAGE, SHARON LAVIGNE, HARRY JOSEPH, KATHERINE AASLESTAD, PETER AASLESTAD, THEDA LARSON WRIGHT, ALBERTA LARSON STEVENS, JUDITH LARSON HERNANDEZ, RISE ST. JAMES, 350 NEW ORLEANS, and LOUISIANA BUCKET BRIGADE

Plaintiffs,

v.

JEFF LANDRY, in his official capacity as Attorney General of Louisiana; BO DUHÉ, in his official capacity as District Attorney of the 16th Judicial District Attorney's Office; RONALD J. THERIOT, in his official capacity as Sheriff of St. Martin Parish,,

Defendant.

Civil Action No. 6:20-cv-00983

JUDGE ROBERT R. SUMMERHAYS

MAGISTRATE JUDGE  
CAROL B. WHITEHURST

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**PLAINTIFFS' MOTION TO RECONSIDER RULING  
DISMISSING CLAIMS AGAINST ATTORNEY GENERAL**

NOW INTO COURT, through undersigned counsel, come Plaintiffs, who respectfully submit this Motion to Reconsider the Ruling Dismissing Claims Against the Attorney General, pursuant to Fed. R. Civ. Proc. 54(b). In support thereof, they represent as follows:

1. On July 30, 2020, while this matter was pending in the United States District Court, Middle District of Louisiana, Judge deGravelles issued a ruling on Defendants' Motions to Dismiss in which he dismissed the claims against the Attorney General and transferred venue to this district. Dkt. 48. He denied Defendants' motions in all other respects.

2. Prior to the issuance of Judge deGravelle's ruling, Plaintiffs filed a Motion for Leave to File Supplemental Complaint, to incorporate new facts that arose subsequent to the briefing on

Defendants' motions to dismiss. Dkt. 45. The new factual allegations related to the discovery of a cemetery on a former plantation believed to contain the graves of people enslaved there with a pipeline running through it, rendering it a form of critical infrastructure under the challenged law. In particular, Plaintiffs RISE St. James, Sharon Lavigne, and Harry Joseph, have been impacted by the law prohibiting unauthorized entry onto critical infrastructure in their efforts to convene at the cemetery and conduct prayer and commemoration. *Id.* They had to seek, and in fact obtained, a temporary restraining order allowing them to do so without fear of prosecution. *See* Dkts. 47-2 and 47-3 (Verified Petition for Temporary Restraining Order and Temporary Restraining Order) and Dkts. 59-61. Defendants filed an opposition to that motion on July 27, 2020. Dkt. 47. Plaintiffs have since filed a Reply to Defendants' Opposition. Dkts. 59, 61.

3. The new facts concerning the cemetery as critical infrastructure are relevant to the claims against the Attorney General because the Attorney General has specific enforcement authority with respect to unmarked burials and cemeteries and is also specifically designated as legal advisor to the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), which has the authority and mandate to protect critical infrastructure against threats.

4. The Court's original ruling dismissing the claims against the Attorney General was erroneous and warrants reversal because the Attorney General had sufficient enforcement connection to the subject matter of the law challenged here. However, it has since become apparent that the Attorney General has even more enforcement authority and connection to law and is a proper, and necessary, party to this case.

WHEREFORE, Plaintiffs respectfully request that this Court reverse the earlier ruling of the District Court and reinstate the claims against the Attorney General.

Date: August 27, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 27, 2020, a copy of the foregoing was filed with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record unless indicated otherwise.

s/Pamela C. Spees  
Pamela C. Spees