



### **3. Dates and Times of Status Conferences, Pre-Trial Conferences, and Trial**

The Pre-Trial Conference is scheduled for Wednesday, November 2, 2022, at 10:00 a.m.

Trial is Scheduled for Monday November 28, 2022 at 9:30 a.m.

Jury trial has been selected. Trial is estimated to last five (5) days.

### **4. Factual and Legal Issues**

#### **a. Plaintiff's Statement of Issues**

Katharine Archer was peacefully participating in a march to protest police violence with her college-aged daughters when NOPD officers hit her in the head with a flying tear gas grenade.

On June 3, 2020, the New Orleans Police Department (NOPD) used military-style tactics and weaponry to respond to a protest march following the police killing of George Floyd. The NOPD escorted the protest march through the City of New Orleans, only stopping the march after it had proceeded onto the elevated portion of the Crescent City Connection bridge. It was there, over a hundred feet above the city, that the NOPD set up a skirmish line barricade, deployed its Special Operations Division SWAT team, and opened fire on the crowd with tear gas grenades, tear gas projectiles, and .60 caliber rubber projectiles.

The tear gas grenade, launched at the order of NOPD command staff and permitted by NOPD policy which gave no guidance on the use of such weapons, hit Katharine Archer in the head, splitting open her forehead and causing a gash that required 12 stitches. The force of the blow knocked Ms. Archer to the ground, breaking her tailbone.

The blow to her head and the broken tailbone has caused Ms. Archer prolonged and severe neurological trauma. Over the past two years she has suffered from cognitive delays, memory and speech loss, a stroke, and uncontrollable leg convulsions. Required treatment has involved extended hospital stays, MRIs, spinal taps, cognitive therapy, speech therapy, and physical therapy. Her treatment is expected to continue into the foreseeable future. Additionally, Ms. Archer has endured and continues to experience mental and emotional distress as a result of Defendants' actions.

This action seeks redress for the violations of the rights guaranteed to Katharine Archer by the Fourth and Fourteenth Amendments to the United States Constitution, as well as violations of state law by the named Defendants.

#### **b. Defendants' Statement of Issues**

On the night of June 3, 2020, Plaintiff, Katharine Archer, along with several hundred other protestors, gathered on the Crescent City Connection ("the bridge") to demonstrate against the "death of George Floyd." The protestors marched up the westbound lanes of Highway 90 toward the bridge. On the roadway, the New Orleans Police Officer ("NOPD") were waiting with a police barricade to prevent the protestors from crossing the bridge. The NOPD told the protestors to exit the bridge, but the protestors refused and became increasingly unruly and agitated. After a lengthy standoff, the protestors unlawfully pushed through NOPD's established police line placing

everyone at risk. At that time, NOPD launched CS gas and stinger rounds to disperse the unruly protestors and reestablish the NOPD police line. Afterwards, the protestors largely dispersed and exited the bridge. All of the foregoing was recorded on police body worn camera and is the best evidence of the events of June 3, 2020.

Plaintiff alleges that she was struck in the head by one of the CS gas projectiles causing her personal injury damages. She filed this lawsuit seeking redress under *Monell* for Fourth and Fourteenth Amendment violations, as well as violations of state law. City Defendants deny Plaintiff's allegations arguing that the use of force was justified and NOPD's actions were reasonable under the circumstances. Thus, Plaintiff will not be unable to establish the essential elements of her *Monell* claims. Further, the NOPD officers named in their individual capacities are entitled to qualified immunity.

## **5. Discovery**

Initial disclosures have been completed by both Plaintiff and Defendants.

Yet to be completed are: (1) requests for admissions, production, and interrogatories, (2) depositions, and (3) expert-related discovery including the disclosure of any experts, the exchange of any expert reports, and the taking of any expert depositions.

## **6. Settlement Negotiations**

Plaintiff and Defendants have orally discussed the possibility of settlement in this matter. Counsel for Plaintiff anticipates extending a settlement request letter to Defendants within weeks.

Respectfully submitted,

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