

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

REMINGTYN A. WILLIAMS, ET AL * CIVIL ACTION
VERSUS * NO. 21-852
SHAUN FERGUSON, ET AL * SECTION "R-2"

* * * * * * *

**MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6) OR,
ALTERNATIVELY, FOR SUMMARY JUDGMENT PURSUANT TO FED. R.
CIV. P. 56 BY SHERIFF JOSEPH P. LOPINTO, III**

NOW INTO COURT, through undersigned counsel, comes Defendant, Jefferson Parish Sheriff Joseph P. Lopinto, III, in his official capacity as the Sheriff of Jefferson Parish, who respectfully moves to dismiss Plaintiffs' claims or, alternatively, for summary judgment.

The Sheriff submits that Plaintiffs' claims fail because Plaintiffs have failed to allege or show: (1) that any employee or agent of the Sheriff took any action that violated the Plaintiffs' constitutional rights, or (2) that the Sheriff adopted a policy or practice that was the moving force behind any alleged violation of Plaintiffs' Constitutional rights and, further (3) that any employee or agent of the Sheriff participated in any manner in any alleged delictual conduct to expose the Sheriff to liability under state law.

WHEREFORE, Defendant prays that, after due proceedings are had, this Motion be GRANTED, and that the Plaintiffs' claims against this Defendant be dismissed, with prejudice, and at Plaintiffs' sole cost.

Respectfully submitted,

/s/ Daniel R. Martiny

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send a notice of electronic filing to all participating counsel of record herein.

/s/ Daniel R. Martiny

DANIEL MARTINY