

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

REBECCA M. SNOW, et al.

v.

MARILYN M. LAMBERT, in her official capacity as Judge of Ascension Parish Court, and JEFFREY F. WILEY, in his official capacity as Ascension Parish Sheriff

Case No. 15-cv-00567-SDD-RLB
(Class Action)

ORDER

CONSIDERING the *Joint Motion for Settlement Agreement and Joint Stipulation of Dismissal*¹ filed by the Parties in the above captioned matter;

IT IS HEREBY ORDERED that the Motion is GRANTED and the Parties to the *Settlement Agreement*² attached to this *Order* are to comply with the terms of the agreement.

IT IS FURTHER ORDERED that the Plaintiff's claims are dismissed with prejudice subject only to the further jurisdiction of this Court to enforce the terms of the settlement agreement.

Baton Rouge, Louisiana the 3 day of September, 2015.



SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA

¹ Rec. Doc. 27.

² Rec. Doc. 27-3.

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

REBECCA M. SNOW, et al.

Plaintiffs,

v.

MARILYN M. LAMBERT, in her official
capacity as Judge of Ascension Parish
Court, and JEFFREY F. WILEY, in his
official capacity as Ascension Parish Sheriff,

Defendants.

Case No. 15-cv-00567-SDD-RLB
(Class Action)

SETTLEMENT AGREEMENT

The Parties have worked together since the filing of this lawsuit to resolve the case. The parties agree to the following, and the parties jointly move the Court to enter a consent order requiring them to abide by their agreement.

- 1) The Plaintiff agrees to dismiss the lawsuit with prejudice subject to the Court retaining jurisdiction to enforce the Settlement Agreement and the terms of the Consent Judgment. Due to the speed with which Defendants have agreed to this settlement, and the good faith agreement, Plaintiffs waive all attorneys' fees with the exception of filing costs.

2) The Defendants agree to the following:

a. No misdemeanor arrestee in the jurisdiction of the Ascension Parish Court will be held in jail after arrest pursuant to a secured monetary bond that the arrestee cannot afford.

b. After arrest, all misdemeanor arrestees—except those expressly listed below—will be released on their own recognizance after the completion of standard booking procedures.

c. The Sheriff or Sheriff's designee will call the presiding judge after booking is complete for arrestees charged with offenses listed in (i)–(xi), and the presiding judge will make a case-by-case determination as to whether the arrestee will be released on recognizance. For those arrested between the hours of 8 p.m. and 8 a.m., the Sheriff or Sheriff's designee may wait to call Judge Lambert until 8 a.m.

i. Aggravated Assault, La. R.S. § 14:37;

ii. Battery on a Police Officer, Battery, § 14:34.2;

iii. Disturbing the Peace by Engaging in a fistic encounter, § 14:103(A)(1), or by Engaging in any Act in a Violent and Tumultuous Manner by Any Three or More Persons, § 14:103(A)(4);

iv. Operating a Vehicle While Intoxicated, first offense, §§ 14:98(D)(1), 98.1;

- v. Operating a Vehicle While Intoxicated, second offense, §§14:98(D)(2), 98.2;
 - vi. Flight from an Officer, § 14:108.1
 - vii. Resisting an Officer, § 14:108
 - viii. Simple Assault, § 14:38
 - ix. Simple Battery, § 14:35
 - x. Violation of Protective Orders, § 14:79
 - xi. Theft of Goods under \$500, second offense; § 14:67.10
- d. In cases involving the misdemeanor offense of Domestic Abuse Battery, La. R.S. § 14:35.3, the court retains discretion to operate the pretrial detention procedures set forth in La. Code of Criminal Procedure article 330.3.
- e. Those arrested for the offenses listed in (i)–(xi) who were not released on recognizance after the Sheriff contacted the presiding judge shall be held in jail without bond until a detention hearing held no later than the next business day. The detention hearing will meet the requirements of the due process and equal protection clauses of the Fourteenth Amendment, and no misdemeanor arrestee will be kept in jail on the basis of a secured money bond that they cannot afford.

Respectfully submitted,

s/ Katie M. Schwartzmann

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed using the Court's CM/ECF filing system, which will provide electronic notice to all counsel of record.

s/ Katie M. Schwartzmann

Katie M. Schwartzmann