

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

_____	)	
ALANA CAIN, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Case No. 15-4479
CITY OF NEW ORLEANS, et al.	)	
	)	(Class Action)
Defendants.	)	
_____	)	

**MOTION FOR PRELIMINARY INJUNCTION**

**NOW INTO COURT COME** Plaintiffs through undersigned counsel who move under Rule 65(a) of the Federal Rules of Civil Procedure for an Order for preliminary injunction, pending final decision on the merits in this case, enjoining Defendants from jailing Alana Cain, Ashton Brown, Reynajia Variste, Renaud Variste, or Vanessa Maxwell for nonpayment or late payment of outstanding Orleans Parish Criminal District Court debts.

For the reasons explained in the accompanying Memorandum of Law, Plaintiffs move for the following relief: If Defendants believe that any of the named Plaintiffs owe scheduled payments on their criminal court debts, Defendants may issue legal summonses ordering them to appear in court for a proceeding that meets constitutional requirements. Notwithstanding this relief, if Plaintiffs are nonetheless arrested for failure to pay their court debts, Defendants will immediately release Plaintiffs on their own recognizance or allow them to post an unsecured bond pending any lawful debt-collection proceedings. The Defendants shall not again keep Plaintiffs in custody pursuant to a fixed secured monetary bond that they cannot afford.

1. This relief is warranted, as Plaintiffs are likely to succeed in their legal claims. Plaintiffs have alleged sufficient facts to show that Plaintiffs face imminent detention pursuant to a fixed secured money bond that they cannot afford solely because of their inability to pay court debts, a violation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution.

2. Unless this Court issues a Preliminary Injunction, Plaintiffs will suffer immediate and irreparable harm through the inherent injury in the deprivation of liberty and of all its collateral consequences, e.g., loss of employment, loss of housing, the risk of violence and sexual assault while in jail, and mental suffering.

3. The potential harm to Plaintiffs far outweighs any burden to Defendants that will result from enjoining the implementation of unconstitutional policies and practices. Defendants already have a mechanism to issue legal summonses to appear in court and to conduct constitutionally required proceedings. The only “harm” to Defendants will be in eliminating any increased revenue Collections Department agents might extract from having the named Plaintiffs arrested and imprisoned for their court debts.

4. The injunctive relief sought would not disserve the public interest, but would affirmatively forward it. It is always in the public interest to prevent the violation of Constitutional rights. Furthermore, unnecessarily detaining the poor has a deleterious effect on society as a whole, reflected in the expense of housing additional prisoners, loss of productivity, damages to family relations, and increased rates of recidivism.

6. Security should not be required under Federal Rule of Civil Procedure 65(c) because Defendants are unlikely to suffer any harm from the proposed Preliminary Injunction and because Plaintiffs are indigent.

Respectfully submitted,

*s/Bill Quigley*

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*s/ Anna Lellelid*

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing pleading has been filed electronically on this **22nd day of September 2015**. Notice of this filing will be sent by operation of the Court's electronic filing system to all the parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

A copy of forgoing was also hand-delivered to all Defendants on this 22<sup>nd</sup> day of September 2015.

*s/Anna Lellelid*

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Anna Lellelid-Douffet