

APPENDIX 9.6 LOUISIANA CIVIL CASE REPORTING

Civil Case Cover Sheet - LA. R.S. 13:4688, Part G, §13 of the Louisiana Supreme Court General Administrative Rules, and Appendix 9.6 of the Louisiana District Court Rules

This civil case cover sheet shall be completed by counsel for the petitioner, counsel's authorized representative, or by the self-represented litigant (if not represented by counsel) and submitted with the original petition filed with the court. The information should be the best available at the time of filing. This information does not constitute a discovery request, response or supplementation, and is not admissible at trial.

Suit Caption:

Carmen Hawkins

State of Louisiana Through the
Department of Public Safety and Corrections,
vs. Office of the Louisiana State Police and Robert
Burns

Court: 19th Judicial District Court**Docket Number:** 662625 Sec. 22**Parish of Filing:** East Baton Rouge**Filing Date:** October 19, 2017**Name of Lead Petitioner's Attorney:** Jonathan E. Mitchell**Name of Self-Represented Litigant:****Number of named petitioners:** 1**Number of named defendants:**

**Type of Lawsuit: Please check the categories which most appropriately apply to this suit
(no more than 3 categories should be checked):**

☐ Auto: Personal Injury☐ Auto: Property Damage☐ Auto: Wrongful Death☐ Auto: Uninsured Motorist☐ Asbestos: Property Damage☐ Asbestos: Personal Injury/Death☐ Product Liability☐ Premise Liability☐ Intentional Bodily Injury☐ Intentional Property Damage☐ Intentional Wrongful Death☐ Unfair Business Practice☐ Business Tort☐ Fraud☒ Defamation☐ Professional Negligence

REC'D C.P.

☐ Environmental Tort☐ Medical Malpractice

OCT 20 2017

☐ Intellectual Property☐ Toxic Tort☐ Legal Malpractice☒ Other Tort (describe below)☐ Other Professional Malpractice☐ Redhibition☐ Maritime☐ Class action (nature of case)☐ Wrongful Death☐ General Negligence

Please briefly describe the nature of the litigation in one sentence of additional detail:

Plaintiff was harmed due to the actions of Louisiana State Police officer Robert Burns to whom the Louisiana State Police permitted access to confidential information and knowingly failed to

prevent such violations.

Following the completion of this form by counsel, counsel's representative, or by the self-represented litigant, this document will be submitted to the Office of the Judicial Administrator, Supreme Court of Louisiana, by the Clerk of Court.

Name, address and contact information of person completing form:

Name Jonathan E. Mitchell

Signature

Jonathan E. Mitchell

Address 618 Main Street, Baton Rouge, La 70801

Phone number: 225-344-3735

E-mail address: jmitchell@dphf-law.com

EBR4389431

CARMEN HAWKINS

:

NUMBER 66 2625 SEC**SEC. 22**

VERSUS

:

19TH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA THROUGH THE :
 DEPARTMENT OF PUBLIC SAFETY
 AND CORRECTIONS, OFFICE OF THE
 LOUISIANA STATE POLICE, AND
 ROBERT BURNS :

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

 COST OK \$ 910
CH 6248
 OCT 19 2017
PETITION FOR DAMAGES

DEPUTY CLERK OF COURT

The petition of CARMEN HAWKINS, of legal age, domiciled in and resident of Livingston
 Parish, State of Louisiana, respectfully represents:

1.

The following are made defendants herein:

- A. **STATE OF LOUISIANA THROUGH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, OFFICE OF THE LOUISIANA STATE POLICE**; an agency of the State of Louisiana having appointed as its agent for service of process the Secretary of the Louisiana Department of Public Safety and Corrections, James M. LeBlanc, 504 Mayflower Street, Baton Rouge, Louisiana 70802.
- B. **ROBERT BURNS**, a person of legal age, domiciled in and a resident of Livingston Parish, State of Louisiana.

2.

Plaintiff, CARMEN HAWKINS, and Defendant ROBERT BURNS were divorced by
 judgment on May 20, 2014.

3.

At all times relevant hereto, Defendant, ROBERT BURNS, was an employee of Defendant,
 STATE OF LOUISIANA THROUGH THE DEPARTMENT OF PUBLIC SAFETY AND
 CORRECTIONS, OFFICE OF THE LOUISIANA STATE POLICE (hereinafter referred to as
 "LOUISIANA STATE POLICE"), an agency of the State of Louisiana.

3.

On or about October 20, 2016, Plaintiff, CARMEN HAWKINS, while her vehicle was being
 housed for repair at the Collision Specialties, Inc.'s facility in Walker Louisiana, was informed that



her Defendant, ROBERT BURNS, had presented to the repair facility dressed in uniform and identifying himself as acting under the color of law and within his capacity as an employee of Defendant, LOUISIANA STATE POLICE, and proceeded to ask questions about Plaintiff's vehicle and the circumstances surrounding it needing repair.

4.

Plaintiff, CARMEN HAWKINS, subsequently learned of Defendant, ROBERT BURNS' visit to Collision Specialties and, in her subsequent investigation, learned that Defendant, ROBERT BURNS, had regularly and continuously accessed databases available to him by his employer and Defendant herein, LOUISIANA STATE POLICE, to obtain law enforcement sensitive information, including but not limited to driver's license and criminal history information, about Plaintiff and other persons with whom Plaintiff had contact.

5.

Some times following his visit to Collision Specialties, Defendant, ROBERT BURNS, presented to the Livingston Parish Sheriff's Office dressed in uniform and identifying himself as acting under the color of law and within his capacity as an employee of Defendant, LOUISIANA STATE POLICE, proceeded without probable cause to request that a warrant be issued for the arrest of Plaintiff, CARMEN HAWKINS on allegations he knew to be false or which were based upon reckless disregard for the truth. Plaintiff was then falsely arrested at her home by officers of the Livingston Parish Sheriff's Office based upon the misrepresentations of Defendant, ROBERT BURNS. Plaintiff was immediately released when the reason for her arrest was discovered.

6.

Defendant, ROBERT BURNS, then published false and defamatory communications to Plaintiff's employer, which communications impugned Plaintiff's professional reputation and included the false allegation that Plaintiff had accessed confidential, personal health information which access Defendant, ROBERT BURNS, alleged to be without proper authorization. These allegations resulted in the termination of Plaintiff's employment and have prevented her from obtaining comparable, alternative employment.

7.

Defendant, ROBERT BURNS' access to the databases from which he obtained sensitive law enforcement information had been permitted by the customs and regular practice of his employer and Defendant, LOUISIANA STATE POLICE, through its employees, officers, and agents including Colonel Michael Edmonson, who, on information and belief, had actual knowledge that its employees, including Defendant, ROBERT BURNS, who were not listed as authorized users, could and were engaging in violations of department policy and state and federal law by using the databases to which LSP allowed them access, yet failed to have in place and/or knowingly failed to enforce or discipline its employees for violations of state and federal laws, standards, practices, procedures, ethical guidelines, or other safeguards appropriate to prevent such unauthorized uses and/or users and failed to correct and train its officers on the difference between permitted and non-permitted uses and/or users.

8.

Defendants, by the conduct of its agents herein alleged and acting under the color of state law, have intentionally, willfully and without justification deprived Plaintiff of rights, privileges, and immunities secured to her by the Constitution and laws of the United States and the State of Louisiana, including the provisions of the Drivers Privacy Protection Act, Title 18 U.S.C. § 2721, et. seq., Louisiana Revised Statute 15:596, and The Civil Rights Act of 1866, 42 U.S.C. § 1983.

9.

As a result of their conduct, Defendants as liable in solido unto Plaintiff for the damages and losses sustained by Plaintiff as a result of the above-described conduct.

10.

As a result of the acts sued on, Plaintiff suffered and continues to suffer damages in the form of deprivation of constitutionally-protected rights including a deprivation of due process and arrest without probable cause, mental anguish, loss of income, loss of employment opportunities, public embarrassment and humiliation due to the publication of her arrest, and legal expenses, among other damages to be shown at the trial of this matter, and is entitled to those along with reasonable attorney

fees, and court costs.

WHEREFORE, plaintiff prays for citation and service of process and, after due proceedings are had, including trial by jury, that there be judgment in favor of Plaintiff, CARMEN HAWKINS, and against Defendants, STATE OF LOUISIANA THROUGH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, OFFICE OF THE LOUISIANA STATE POLICE, AND ROBERT BURNS for all allowable damages together with legal interest thereon from date of judicial demand until paid, and, for all costs of these proceedings.

RESPECTFULLY SUBMITTED,

By:


 JONATHAN E. MITCHELL (#33284)
 deGravelles & Palmintier
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PLEASE SERVE:

State of Louisiana Through the
 Department of Public Safety and Corrections,
 Office of the Louisiana State Police;
through its agent for service of process
 Secretary of the Louisiana Department of
 Public Safety and Corrections
 James M. LeBlanc
 504 Mayflower Street
 Baton Rouge, Louisiana 70802
 Houma LA 70360

And

The Attorney General for the State of
 Louisiana
 Louisiana Attorney General
 Jeff Landry
 1885 N. Third Street
 Baton Rouge, LA 70802

And

Louisiana Office of Risk Management
 Julian "Bud" Thompson (or his successor)
 1201 North Third St., Suite G-192,
 Baton Rouge, LA 70802

And

ROBERT BURNS
at his place of employment,
 Louisiana State Police, Troop A
 17801 Highland Road
 Baton Rouge, Louisiana 70810