

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2011 FEB 25 PM 2:11

JANE DOE, Individually and on behalf of
her minor son, JOHN DOE

*

CIVIL ACTION
LORETTA G. WHYTE
CLERK

VERSUS

*

NO.

11-467

JERRY DANTIN, THE TOWN OF
GRAND ISLE, DAVID CARMADELLE
and EURIS DUBOIS

*

SECTION "A" MAG. 1
MAG.

* * * * *

COMPLAINT FOR DAMAGES

The complaint of Jane Doe, a person of the full age of majority and domiciled in the Parish of Ascension, State of Louisiana, individually and on behalf of her minor son, John Doe¹ respectfully represents:

I.

This action is commenced pursuant to 42 U.S.C.A. § 1983 and jurisdiction of this Court lies under Federal Question 28 U.S.C.A. § 1331 and 1343. Venue is proper as plaintiff's claims under § 1983 arose from the actions of the defendants named herein in the Town of Grand Isle, Parish of Jefferson, State of Louisiana.

II.

Made defendant herein is the Town of Grand Isle which is a municipality organized under the laws of the State of Louisiana which manages, directs and controls the Grand Isle Police Department and the Grand Isle Mayor's Office.

¹ Because the allegations in this matter center on the molestation of a young child by one of the defendants, plaintiffs identify themselves by these pseudonyms to protect the identities of the child and mother. All defendants are aware of the identities of the child and mother.

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X Dktd _____
CtRmDep _____
Doc. No. _____

III.

Made defendant herein is Jerry Dantin a/k/a Captain Jay, a person of the full age of majority and domiciled in the Parish of Jefferson, Town of Grand Isle, State of Louisiana.

IV.

Made defendant herein is Euris Dubois, a person of the full age of majority and domiciled in the Parish of Jefferson, Town of Grand Isle, State of Louisiana, who is and was at all times pertinent to this action, employed as Chief of the Grand Isle Police Department. As such, Euris Dubois was charged with ensuring the compliance by his office and subordinate officers with the constitutions and laws of the State of Louisiana and the United States of America.

V.

Made defendant herein is David Carmadelle, a person of the full age of majority and domiciled in the Parish of Jefferson, Town of Grand Isle, State of Louisiana, who is and was at all times pertinent to this action, employed as the mayor of the Town of Grand Isle. As such, David Carmadelle was charged with complying with the constitutions and laws of the State of Louisiana and the United States of America.

VI.

At all times relevant hereto and in all actions described herein, defendants, Euris Dubois and David Carmadelle, were acting under color of law and pursuant to the authority vested in them as personnel in the employ of the Town of Grand Isle.

VII.

The events described herein arise from a "common nucleus of operative facts."

VIII.

At the time of these events in 2010, John Doe was six years old. John Doe's father resides part-time in Grand Isle, and John Doe often would spend weekends there with his father. John Doe's father is a neighbor of David Carmadelle, and Mr. Carmadelle's mother and his step-father, Jerry Dantin, live near Mr. Carmadelle and John Doe's father.

IX.

On March 30, 2010, John Doe relayed to his mother and his maternal grandmother that Captain Jay had done something bad to him. John Doe had been left alone in the houseboat of Jerry Dantin, who was in the process of sexually molesting John Doe when they heard voices outside.² Dantin's molestation of the boy stopped at this time, but Dantin warned John Doe that if he were to tell anyone what happened, he (Dantin) would kill John Doe and his mother.

X.

After Jane Doe spoke with John Doe's father, he called Mr. Carmadelle on March 31, 2010 and informed Mr. Carmadelle of what his child had relayed regarding Mr. Dantin. Mr. Carmadelle pleaded with John Doe's father to wait until after Easter and that Mr. Carmadelle would address the situation on Monday, April 5, 2010 by reporting this to the Grand Isle Police Department.

XI.

Having knowledge that a felony had been alleged, Mr. Carmadelle failed to notify the police or take any other action.

XII.

By April 5, 2010, Mr. Carmadelle still had failed to report this matter. Jane Doe called his

² The graphic details of the molestation are being withheld because they are not necessary for this pleading.

office that day, but she received no return phone call, despite the fact that Mr. Carmadelle was aware of the seriousness of these allegations.

XIII.

On April 6, 2010, able to wait no longer, Jane Doe drove to Grand Isle with her mother and a female cousin to report the matter to the Grand Isle Police Department.

XIV.

When they arrived at the police station, Jane Doe walked inside and gave a statement to a female police officer. The female officer brought Euris Dubois out and Jane Doe gave him a statement regarding what Jerry Dantin had done to her son. Initially, in complete contradiction to any established police procedure, Mr. Dubois (who has known Dantin and Carmadelle for decades) accused Jane Doe of lying about this because Dubois believed Carmadelle would have told him.

XV.

Shortly thereafter, Mr. Carmadelle arrived at the police station and apologized to Jane Doe for not returning her call. Mr. Carmadelle then asked Mr. Dubois if he (Carmadelle) could go pick up Mr. Dantin and bring him to the station. Again, in complete contravention of any established police procedure, Mr. Dubois permitted Mr. Carmadelle to retrieve his step-father.

XVI.

After what seemed to Jane Doe to be about 45 minutes, Mr. Carmadelle arrived back at the police station with Mr. Dantin.

XVII.

Mr. Dubois brought Mr. Dantin, Jane Doe, Mr. Carmadelle and another police officer into Dubois' office. Mr. Carmadelle was permitted to remain for the questioning of Mr. Dantin in

contravention of any established police procedure.

XVIII.

For a long period of time, Mr. Dantin held steadfast that he had not done anything wrong to John Doe. Jane Doe then told Mr. Dantin that if he would tell her what he had done to her son, she would not press charges and that he would never see Jane Doe or John Doe again.

XIX.

Mr. Dantin then angrily asked Jane Doe if she wanted to know the truth about what he had done to her son. At this point Mr. Dubois stopped Mr. Dantin and read him his *Miranda* rights. As Mr. Dantin began to confess, Mr. Dubois told him to stop so that the confession could be recorded. However, the tape recorder did not work, and Mr. Dubois initially told someone to go to the SureWay store and get new batteries. Mr. Dubois then decided against this and elected to have a lady who worked in his department handwrite Mr. Dantin's confession.

XX.

Mr. Dantin then confessed that he had molested the child just as John Doe had told his mother. The lady complained that Mr. Dantin was speaking too quickly and she could not get it all down. Mr. Dubois instructed Mr. Dantin to continue, and then he handcuffed Mr. Dantin. At some point during this confusion, Mr. Dantin said that he was going to kill himself.

XXI.

While all of this was happening, Mr. Carmadelle was crying hysterically and uncontrollably, at times lying on the floor. At one point during this traumatic event, Mr. Carmadelle thought he was having a heart attack and EMS was called to the police station to check out Mr. Carmadelle. He was not having a heart attack.

XXII.

While the EMS workers were attending to Mr. Carmadelle, Jane Doe was left alone in the room with Mr. Dantin.

XXIII.

Outside of the police station after Mr. Dantin's confession, Mr. Carmadelle acknowledged to the maternal grandmother of John Doe that the molestation of John Doe was not the first time Mr. Dantin had molested a child.

XXIV.

Mr. Dantin was arrested, but his confession was not preserved. There was no video, audio, or even a written confession from Mr. Dantin. In the age of audio and video recorders, even in cellular telephones and devices, it is in complete contravention of all police procedures for Mr. Dubois not to have *any* documentation of Mr. Dantin's confession.

XXV.

Later that same day, Mr. Dantin was brought to the hospital for suicide watch and then to Jefferson Parish lockup in Gretna. Upon information and belief, Mr. Carmadelle bailed his step-father out of jail. Mr. Dantin has remained out on bail ever since.

XXVI.

Upon information and belief, Mr. Dantin's arrest never was printed in the Grand Isle newspaper.

XXVII.

For four long and painful months, Jane Doe waited for charges to be accepted by the office of the District Attorney for Jefferson Parish. She called the Jefferson Parish Sheriff's Office on a

weekly basis, but was told repeatedly that the JPSO had not received what it needed from the Grand Isle Police Department. It was clear that Mr. Dubois and his department were willfully obstructing the investigation by the JPSO by refusing to cooperate with requests from the JPSO.

XXVIII.

The office of the District Attorney for Jefferson Parish charged Mr. Dantin with sexual battery of a juvenile on August 20, 2010. As of the filing of this Complaint, Mr. Dantin's case has not proceeded to trial.

XXIX.

The criminal proceeding has been greatly complicated by the Grand Isle Police Department's failure to secure a tangible confession from Mr. Dantin. In fact, Mr. Dantin filed a motion in the criminal proceeding to exclude Mr. Dantin's verbal confession.

XXX.

During the hearing on the motion to exclude Dantin's confession in the 24th Judicial District Court, Mr. Dubois was unable to determine whether Mr. Dantin confessed before, or after, he was *Mirandized*. Again, proper police procedure requires that the arresting officer document such things.

XXXI.

Additionally, during the hearing on the motion to exclude the confession, Mr. Carmadelle, who was present for Mr. Dantin's confession, never took the witness stand to tell the truth about what had occurred on April 6, 2010 at the Grand Isle police station, even though he was present in the courthouse.

XXXII.

The actions of Mr. Dubois and Mr. Dantin described herein violated the constitutional rights of John Doe and Jane Doe. In addition to causing a much more difficult prosecution of Mr. Dantin, their actions have contributed to the permitting of a pedophile to remain free pending the outcome of the criminal prosecution.

XXXIII.

The actions of Mr. Carmadelle and Mr. Dubois have caused great mental anguish to John Doe and Jane Doe. All of the actions taken by Mr. Carmadelle and Mr. Dubois in hindering the arrest and prosecution of Mr. Dantin, including attempts to cover up Dantin's crime, were undertaken with deliberate indifference to the constitutional rights of John Doe and Jane Doe.

XXXIV.

The pendent state law claims against Jerry Dantin constitute the following intentional torts which may be remedied under state law in accordance with Civil Code article 2315:

- A) Battery (sexual molestation);
- B) Intentional infliction of emotional distress;
- C) Assault;
- D) Negligent infliction of emotional distress; and

Any and all other theories of state law which can be found through discovery and proven at trial.

XXXV.

As a direct and proximate result of Jerry Dantin's actions, John Doe has suffered, or will

suffer, the following non-exclusive damages, to-wit:

- A) Physical pain and suffering;
- B) Emotional pain and suffering;
- C) Permanent loss of enjoyment of life;
- D) Damage to reputation;
- E) Medical bills, past and future; and
- F) Any and all other damages which may be found through discovery and proven at trial.

XXXVI.

As a direct and proximate result of the actions of David Carmadelle and Euris Dubois, John Doe and Jane Doe have suffered, or will suffer, the following non-exclusive damages, to-wit:

- A) Emotional pain and suffering; and
- B) Any and all other damages which may be found through discovery and proven at trial.

XXXVII.

Plaintiffs specifically request punitive damages regarding the actions of Mr. Dantin in accordance with Louisiana Code of Civil Procedure, article 2315.7.

XXXVIII.

Plaintiffs specifically requests punitive damages regarding the actions of Mr. Dubois and Mr. Carmadelle.

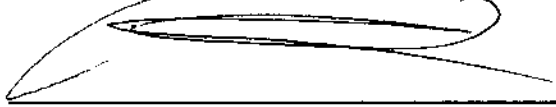
XXXIX.

Plaintiff specifically requests reasonable attorney's fees and reimbursement for costs

incurred in the prosecution of this claim in accordance with 42 USC § 1988.

WHEREFORE, plaintiffs pray that all defendants be served with a copy of this complaint and be cited to appear and answer same and that after due proceedings are had there be judgment in favor of your plaintiffs, Jane Doe and John Doe, and against the herein named defendants in an amount sufficient to compensate plaintiff for the damages sustained, together with legal interest thereon from the date of judicial demand, for all costs of these proceedings, punitive damages, attorney's fees, and for all general and equitable relief.

RESPECTFULLY SUBMITTED,



RICHARD C. TRAHANT (LSBA 22653), T.A.
T. PETER BRESLIN (LSBA 3436)
ATTORNEYS AT LAW
2908 Hessmer Ave.
Metairie, LA 70002
(504) 780-9891
(504) 780-7741 fax
trahant@cavtel.net
tpb@tpbreslinlaw.com

11-467

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Jane Doe, Individually and on behalf of her minor son, John Doe

DEFENDANTS
Jerry Dantin, The Town of Grand Isle, David Carmadelle and Euris Dubois

(b) County of Residence of First Listed Plaintiff Ascension
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Jefferson
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

SECT. A MAG. 1

(c) Attorney's (Firm Name, Address, and Telephone Number)
Richard C. Trahan, 2908 Hessmer Ave., Metairie, LA. 70002,
(504) 780-9891

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FOREIGN PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).
42 U.S.C. 1983

Brief description of cause:
Child molestation and consequential violation of civil rights of plaintiff by mayor and police chief

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 02/25/2011 SIGNATURE OF ATTORNEY OF RECORD: _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____