

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

MELINDA MORRIS	*	CIVIL ACTION:
	*	
	*	
versus	*	SECTION:
	*	
	*	
ROBERT SCHILLING, THE CITY OF BATON ROUGE/EAST BATON ROUGE PARISH, and THE BATON ROUGE CITY POLICE DEPARTMENT	*	JUDGE
	*	
	*	
	*	MAGISTRATE

ORIGINAL COMPLAINT

NOW INTO COURT, comes Melinda Morris, who in support of this Complaint, alleges as follows:

1.

For reasons set out below, this Court is vested with jurisdiction as the claims herein arose under the First, Fourth, Fifth and Fourteenth Amendments of The United States Constitution and under 42 U.S.C. § 1983, with any additional claims falling under the supplemental jurisdiction of this Court.

2.

Made defendants herein are:

(A) **ROBERT SCHILLING**, a major who plaintiff alleges on information and belief is domiciled in East Baton Rouge Parish, State of Louisiana, who is being sued individually and in his capacity as a police officer and employee of the Baton Rouge City Police Department, for his violations of the civil rights of complainant, resulting in damages to her; and

(B) **THE CITY OF BATON ROUGE/EAST BATON ROUGE PARISH AND/OR THE BATON ROUGE CITY POLICE DEPARTMENT**, a political subdivision of the State of

Louisiana and the employer of Robert Schilling, with the capacity to sue and be sued, and on which citation and service may be made upon the Honorable Melvin “Kip” Holden, Mayor/President for the City of Baton Rouge and Parish of East Baton Rouge.

3.

The defendants are liable to the Complainant, Melinda Morris, jointly and *in solido*, for the following, to-wit:

4.

On or about September 10, 2011, between 8:00 and 9:00 p.m., Melinda Morris, her husband, Eric Morris, and several family members and friends were driving from Melinda Morris’ home in St. Amant, Louisiana to Baton Rouge, Louisiana.

5.

During this trip, Melinda Morris and Eric Morris were involved in a traffic crash while proceeding north on Nicholson Drive near Lee Drive in Baton Rouge when a driver pulled out of a parking lot into the path of the motorcycle being driven by Eric Morris and the motor scooter being driven by Melinda Morris, causing a crash which injured both of them.

6.

Eric Morris appears to have suffered the more significant physical injuries as a result of this traffic crash and was in a state of unconsciousness and semi-consciousness during much of the events alleged herein and was lying on the ground, in the roadway.

7.

Melinda Morris also received injuries, including injuries to her hands, head, arms, and other parts of her body. As a result thereof, she was experiencing dizziness and was vomiting.

8.

Due to the seriousness of the traffic crash, several members of the Baton Rouge City Police Department, including Robert Schilling, and other emergency response and law enforcement personnel responded.

9.

Brad Morris was one of the family members who was in the area of the traffic crash as he was following Melinda and Eric Morris on a separate motorcycle.

10.

After complying with all directions given by the police to move his motorcycle from the crash scene to a point of safety, Brad Morris attempted to go to the area where his father, Eric Morris, was still lying in the roadway.

11.

As Brad Morris attempted to go to his father, Robert Schilling, acting in the course and scope of his employment with the Baton Rouge City Police Department, asked him to not go into the area. Brad Morris began to calmly and politely advise Robert Schilling that he was attempting to go to his father, who Robert Schilling knew was still lying in the roadway. At that point, Robert Schilling, without provocation or justification, began pushing Brad Morris.

12.

Upon seeing this, Melinda Morris, who was obviously still injured and dizzy, came up to Robert Schilling and Brad Morris and asked that Robert Schilling allow her to talk to her son, Brad Morris. At no point did Melinda Morris strike Robert Schilling nor did she make any threats or act in a threatening way toward Robert Schilling or any other person who was present.

13.

Independent witnesses have verified that Melinda Morris did not strike Robert Schilling, made no aggressive moves or behavior toward Robert Schilling and was not acting in a threatening manner towards any other persons.

14.

Robert Schilling pushed and shoved Melinda Morris down, causing her to fall into a ditch. Once Melinda Morris was down in the ditch and unable to get up due to her injuries, Robert Schilling grabbed her by her hair and forcibly pulled her from the ditch until another police officer intervened and stopped him from continuing to do so.

15.

Melinda Morris was then wrongfully arrested at the direction of Robert Schilling, who was a supervisor on the scene, and wrongfully charged with battery on a police officer and resisting arrest.

17.

As of the date of this filing, The City of Baton Rouge/East Baton Rouge Parish is maintaining these wrongful charges and continuing with the wrongful and malicious prosecution of Melinda Morris.

18.

Melinda Morris did not batter any police officer and did not resist arrest.

19.

The medical staff on the scene were finally able to convince Robert Schilling to allow them to take Melinda Morris, who was clearly injured and apparently suffering from a closed head injury, to the hospital.

20.

As a result of the actions by defendants, all done under color of state law, Melinda Morris was subjected to numerous intentional torts, including but not limited to intentional infliction of mental distress, assault, battery, defamation, false imprisonment, and malicious prosecution. Further, Melinda Morris suffered intentional violations of clearly established Constitutional rights, including freedom of speech, freedom from unreasonable seizures, freedom from the use of excessive force, due process of the law, and equal protection as contained in the First, Fourth, Fifth and Fourteenth Amendments of The United States Constitution and Article 1 §§ 2, 4, 5, and 7 of the Louisiana Constitution, and laws of the United States and State of Louisiana. These violations give her a right to compensatory and punitive damage.

21.

The violation of Melinda Morris's civil rights by the defendants and other wrongful conduct by them all give rise to claims which are compensable under 42 U.S.C. § 1983, the Louisiana Civil Code Articles 2315, 2316, and 2320, and other relevant laws.

22.

On information and belief, it is alleged that the actions and conduct of Robert Schilling were consistent with the policies and procedures of The City of Baton Rouge/East Baton Rouge Parish through the Baton Rouge City Police Department.

23.

Further, The City of Baton Rouge/East Baton Rouge Parish through the Baton Rouge City Police Department failed in the duties owed to Melinda Morris and other members of the public in its hiring, retention and training of its police officers, including Robert Schilling, and in failing to

put adequate and proper safeguards in place to prevent and deter the type of conduct employed by Robert Schilling, all of which caused and/or contributed to the harm suffered by Melinda Morris.

24.

Under the facts of this case, Melinda Morris is not only entitled to compensatory damages but is also entitled to punitive damages, attorney fees and the costs associated with the prosecution of this matter.

WHEREFORE, Melinda Morris prays that there be judgment herein in her favor and against the defendants, Robert Schilling, The City of Baton Rouge/Parish of East Baton and the Baton Rouge City Police Department, *in solido*, for all relief reasonable under the premises, including any compensatory damages, exemplary or punitive damages and other sanctions as allowed by law, and for the costs of these proceedings, including the fees of expert witnesses, attorneys' fees, along with pre-judgment interests as allowed by law.

Respectfully submitted:

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/s/ Eulis Simien, Jr.
By: Eulis Simien, Jr., # 12077 (T.A.)