

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**EMMA DOE, BRENDA DOE, BAYARD DOE and  
RUTH DOE on their own behalf and on behalf of all  
others similarly situated,**

**Plaintiffs,**

**v.**

**JAMES D. CALDWELL, Attorney General of the State  
of Louisiana; JAMES M. LEBLANC, Secretary,  
Louisiana Department of Public Safety and  
Corrections; MICHAEL D. EDMONDSON,  
Superintendent, Louisiana State Police; CHARLES  
DUPUY, Deputy Superintendent, Louisiana State  
Police; EUGENIE C. POWERS, Director, Division of  
Probation and Parole, Louisiana Department of Public  
Safety and Corrections; BARRY MATHENY, Assistant  
Director, Division of Probation and Parole, Louisiana  
Department of Public Safety and Corrections; NICK  
GAUTREAUX, Commissioner, Office of Motor  
Vehicles, in their official capacities,**

**Defendants.**

**Civil Case No. \_\_\_\_\_**

**CLASS ACTION COMPLAINT**

Plaintiffs Emma Doe, Brenda Doe, Bayard Doe and Ruth Doe (collectively “Plaintiffs”),<sup>1</sup>

by and through their attorneys, allege the following:

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<sup>1</sup> Plaintiffs proceed under pseudonyms because registered sex offenders, as well as their family members, are often targets of harassment, intimidation, and violence. While the identities of all individuals registered as sex offenders in Louisiana are publicly available through a website maintained by the Louisiana State Police, members of the public must affirmatively seek out this information. Requiring plaintiffs to disclose their identities in connection with litigation would subject them to a significantly greater level of public exposure of their status on the sex offender registry, and place them at substantially increased risk of hostile reaction from the public. *See* Protective Order, *Doe v. Jindal*, -- F. Supp. 2d --, No. 2:11-cv-0388, 2012 WL 1068776 (E.D. La. Dec. 21, 2011), ECF No. 83; *Doe v. Stegall*, 653 F.2d 180, 186 (5th Cir. 1981); *Victoria W. v. Carpenter*, No. Civ. A. 00–1960, 2001 U.S. Dist. LEXIS 5072 (E.D. La. Apr. 17, 2001).

## INTRODUCTION

1. On March 29, 2012, in *Doe v. Jindal*, -- F. Supp. 2d --, No. 2:11-cv-0388, 2012 WL 1068776, this Court ruled that application of the registration requirements of Louisiana's Registration of Sex Offender, Sexual Violent Predators, and Child Predators law, La. Rev. Stat. Ann. § 15:540 ("registry law") to individuals convicted of solicitation of oral or anal sex for compensation under Louisiana's Crime Against Nature by Solicitation statute ("CANS"), La. Rev. Stat. Ann. § 14:89(A)(1) or La. Rev. Stat. Ann. § 14:89.2, violated the Equal Protection Clause of the Fourteenth Amendment to the United States.

2. This Court determined that there was no rational legislative purpose in requiring registration as a sex offender for persons convicted under CANS as opposed to the identical criminal provisions of Louisiana's Prostitution statute under which no registration is required.

As the Court stated:

The Court finds that the plaintiffs have demonstrated entitlement to judgment as a matter of law: First, the State has created two classifications of similarly (in fact, identical) situated individuals who were treated differently (only one class is subject to mandatory sex offender registration). Second, the classification has no rational relation to any legitimate government objective: there is no legitimating rationale in the record to justify targeting only those convicted of Crime Against Nature by Solicitation for mandatory sex offender registration. The defendants' arguments fail, as the similar ones did under *Eisenstadt*. The very same public health and moral purposes apply to both statutes.

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Plaintiffs also seek to shield their identities from defendants because they are challenging governmental activity, and thus placing themselves at risk of retaliation by government officials who retain a considerable degree of control over plaintiffs' daily lives, with potentially serious consequences, including loss of liberty. *See Stegall*, 653 F.2d at 186; *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067-68 (9th Cir. 2000). Plaintiffs' identities are immaterial to the claimed constitutional violations, and knowledge of their actual identities is not necessary to adjudicate the claims or defenses in this case. Plaintiffs contemplate proceeding in this action pursuant to a protective order identical or similar to that entered in *Doe v. Jindal*, No. 2:11-cv-0388, 2012 WL 1068776 (E.D. La. Dec. 21, 2011), ECF No. 83.

*Doe*, 2012 WL 1068776, at \*8 (footnote omitted).

3. The named plaintiffs in this action and the class of plaintiffs they seek to represent are identically situated to the prevailing plaintiffs in *Doe v. Jindal*. The defendants, by continuing to require plaintiffs and all other individuals similarly situated to register as sex offenders, are violating the rights guaranteed to the named plaintiffs and the plaintiff class under the Fourteenth Amendment to the United States Constitution. Plaintiffs seek a judgment declaring that defendants' actions violate the rights of individuals required to register as sex offenders pursuant to a CANS conviction to the equal protection of the laws and applying this Court's prior ruling to the entire class of individuals whose rights are so violated. Plaintiffs further seek an injunction compelling defendants to remove plaintiffs and all other individuals similarly situated from the sex offender registry and to expunge all records signaling their past inclusion on the registry.

### **JURISDICTION AND VENUE**

4. Plaintiffs' claims are brought pursuant to 42 U.S.C. §§ 1983, 1988 and the Fourteenth Amendment to the United States Constitution.

5. This Court has jurisdiction to hear plaintiffs' claims pursuant to 28 U.S.C. §§ 1331, 1343 and the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202.

6. Venue is proper in the Eastern District of Louisiana under 28 U.S.C. § 1391(b)(2) because plaintiffs Emma Doe, Brenda Doe, Bayard Doe and Ruth Doe reside in this judicial district, and because transactions that give rise to this lawsuit occurred in the City of New Orleans. This District is also an appropriate venue under 28 U.S.C. § 1391(b)(1) because at least one defendant resides in this judicial district. Further, venue is appropriate as the related case, *Doe v. Jindal*, 2:11-cv-0388, was brought in this District.

## **PARTIES**

7. Plaintiffs have all been convicted under Louisiana's CANS statute. Solely as a result of these convictions, they are mandated to register as sex offenders pursuant to Louisiana's registry law.

8. Defendant JAMES D. CALDWELL is the Attorney General of the State of Louisiana. As such, he exercises supervision over all district attorneys in the state, and has authority to institute a prosecution, to intervene in any proceeding, or issue advisory opinions as to the interpretation of the laws of the State of Louisiana as he may deem necessary for the assertion or protection of the rights and interests of the state. Defendant Caldwell has final authority over criminal justice policy in Louisiana, including the administration, maintenance, and enforcement of the CANS statute and the registry law. He is sued in his official capacity.

9. Defendant JAMES M. LEBLANC is Secretary of the Louisiana Department of Public Safety and Corrections ("DPSC"), and as such is DPSC's chief executive officer. DPSC's Corrections Services Division oversees adult offenders, including those on probation and parole. DPSC is charged with informing individuals convicted of registerable offenses who are released from incarceration or placed on parole, supervised release, or probation, of the registration and notification requirements under the registry law. DPSC is also responsible for obtaining and supplying the Louisiana State Police's Bureau of Identification and Information with information necessary for the registration of sex offenders. DPSC is further responsible for enforcement of all registration requirements and implementation of the registry law's location tracking and crime correlation based electronic monitoring supervision program, and of the registry law's driver's license and identification stickering and coding program. As Secretary of DPSC, defendant LeBlanc is responsible for the functioning and control of all programs within the Department,

formulates rules and regulations, and determines policy regarding management, personnel, and total operations. He is sued in his official capacity.

10. Defendant MICHAEL D. EDMONSON is Superintendent of the Louisiana State Police (“LSP”), a statewide law enforcement agency. The Louisiana State Police’s Bureau of Identification and Information maintains the Louisiana Sex Offender and Child Predator Registry (“SOCPR”) and disseminates information about registrants on its public website. As Superintendent of LSP, Defendant Edmonson has ultimate authority over LSP policies, practices, and decisions, including those that affect the maintenance and dissemination of the information contained on the sex offender registry. He is sued in his official capacity.

11. Defendant CHARLES DUPUY is Deputy Superintendent of LSP in charge of Support Services. LSP Support Services oversees the policies and practices of the Bureau of Identification and Information, which is charged with developing and maintaining the SOCPR, including releasing offender information on its public website. He is sued in his official capacity.

12. Defendant EUGENIE C. POWERS is the Director of the Division of Probation and Parole at the DPSC. The Division of Probation and Parole investigates and supervises adjudicated adult offenders who have been released into the community. Specifically, the Division supervises all convicted sex offenders who appear on the sex offender registry and monitors compliance with registration and notification laws. As part of this effort, the Division issues state identification cards for offenders that conform to the requirements of the registry law. As Director of the Division of Probation and Parole, defendant Powers has ultimate authority over the Division’s policies, practices, and decisions, including the supervision of sex offender registrants and enforcement of the registry law. She is sued in her official capacity.

13. Defendant BARRY MATHENY is an Assistant Director in the Corrections Services Department of DPSC and serves as its Sex Offenders and Parole Board Liaison. He is responsible for the Department's policies, practices, and decisions relating to registered sex offenders, including enforcement of the registry law and offender supervision. He is sued in his official capacity.

14. Defendant NICK GAUTREAUX is the Commissioner of the Office of Motor Vehicles (OMV), the state entity within the Department of Public Safety responsible for implementing state motor vehicle regulations. OMV carries out the registry law requirements related to driver licensing and identification, including coding and stickering. The OMV issues plaintiffs and other registrants with driver's licenses that prominently identify them as registered sex offenders. Defendant Gautreaux is sued in his official capacity.

15. All defendants were defendants in *Doe v. Jindal*, 2:11-cv-0388, and all were made subject to the injunctive relief ordered by the Court in that case.

### **CLASS ACTION ALLEGATIONS**

16. Pursuant to Fed. R. Civ. P. 23(a) and (b)(2), the named plaintiffs seek to represent a certified plaintiff class consisting of all persons who have been convicted under the Crime Against Nature statute for solicitation of oral or anal sex for compensation prior to August 15, 2011 and who thereby ever have been or will be subject to sex offender registration requirements under the registry law in violation of the Equal Protection Clause of the Fourteenth Amendment.

17. The members of the class are so numerous as to render joinder impractical. There are hundreds of persons who are members of the class as a result of their convictions under CANS. There are approximately 484 individuals statewide who must register as a sex offender solely because of a CANS conviction. Joinder is also impractical because many members of the

class are not aware that their rights have been violated and/or are without adequate means or resources to retain counsel or seek redress in court in a civil rights lawsuit or other legal proceeding. There is no effective and appropriate means of ensuring vindication of the rights of all members of the class other than a class action.

18. Questions of law and fact are common to the class, including: (a) whether sex offender registration requirements are imposed pursuant to a CANS conviction prior to August 15, 2011, and (b) whether a CANS conviction is the sole basis for a mandatory registration requirement, and (c) whether imposition of a mandatory sex offender registration requirement therefore violates the Equal Protection Clause of the Fourteenth Amendment.

19. The named plaintiffs' claims are typical of those of the class and all class members share the common and typical claim that imposition of a sex offender registration requirement on individuals convicted of CANS, and no other registerable offense, violates the Equal Protection Clause of the Fourteenth Amendment.

20. The legal theories and factual predicates upon which the named plaintiffs seek declaratory and injunctive relief are the same as those of the members of the class, and the legal harms suffered by the named plaintiffs and the class plaintiffs are identical.

21. The named plaintiffs have a strong interest in achieving the relief requested in this Complaint, they have no conflicts with members of the plaintiff class, and they will fairly and adequately protect the interests of the class. All of the named plaintiffs have been and continue to be subject to the unconstitutional imposition of sex offender registration requirements solely on the basis of a CANS conviction, and therefore all named plaintiffs have a substantial incentive to gain legal relief.

22. The named plaintiffs are represented by counsel who are well experienced in civil rights and class action litigation. Attorneys William Quigley and Davida Finger (Loyola School of Law), Alexis Agathocleous and Sunita Patel (Center for Constitutional Rights), and Andrea J. Ritchie were successful in the constitutional challenge to the relevant statutes in *Doe v. Jindal*, and have extensive civil rights litigation experience; David Rudovsky and Jonathan Feinberg have litigated numerous civil rights and class action matters; and Professor Seth Kreimer of the University of Pennsylvania Law School is a national expert in civil rights law. Counsel for the plaintiffs know of no conflicts among or between members of the class, the named plaintiffs, or the attorneys in this action.

23. The defendants have acted on grounds generally applicable to the class, thereby making class-wide declaratory and injunctive relief appropriate.

#### **FACTUAL ALLEGATIONS**

24. In Louisiana, the solicitation of oral or anal sex for compensation can be prosecuted under two statutes: the solicitation provision of the Prostitution statute and the CANS statute. This Court held in *Doe v. Jindal* that the disparate consequences of convictions under these statutes violate the Equal Protection Clause of the Fourteenth Amendment, and made the following findings.

25. The solicitation provision of the Prostitution statute outlaws “[t]he solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation.” La. Rev. Stat. Ann. § 14:82(A)(2). The Prostitution statute defines “sexual intercourse” as “anal, oral, or vaginal sexual intercourse.” La. Rev. Stat. Ann. § 14:82(B).

26. CANS outlaws the “solicitation by a human being of another with the intent to engage in any unnatural carnal copulation for compensation.” La. Rev. Stat. Ann. § 14:89.2(A). The Louisiana Supreme Court has long held that “unnatural carnal copulation” refers to oral or anal sex.

27. The CANS statute was adopted in 1982, at a time when the Prostitution statute already prohibited identical conduct. 1982 La. Sess. Law Serv. 703 (West) (H.B. 853).

28. CANS and the solicitation provision of the Prostitution statute share identical elements. They both prohibit the solicitation of oral or anal sexual intercourse for compensation. CANS reaches no conduct that the solicitation provision of the Prostitution statute does not. The only difference between the two statutes is that Prostitution also encompasses solicitation of vaginal intercourse for compensation.

29. A first conviction under the Prostitution statute is a misdemeanor, punishable by a fine of no more than \$500 and/or a maximum term of imprisonment of six months. La. Rev. Stat. Ann. § 14:82(C)(1). The statute does not create and has never imposed any obligation to register as a sex offender upon conviction.

30. Until August 15, 2010, a first CANS conviction was treated as a felony offense, punishable by a term of imprisonment of up to five years, with or without hard labor, and/or a fine of not more than \$2,000. La. Rev. Stat. Ann. § 14:89(B) (2009). Until August 15, 2010, even a single CANS conviction required mandatory sex offender registration. La. Rev. Stat. Ann. § 15:541(24)(a) (2009).

31. After passage of legislation effective August 15, 2010, a first CANS conviction was no longer a felony, no longer required sex offender registration, and carried identical penalties to a first Prostitution conviction. 2010 La. Sess. Law Serv. 882 (West) (S.B. 381).

However, the amendments were not retroactive, and thus did not benefit those individuals with a single CANS conviction incurred prior to August 15, 2010. Furthermore, registration was still required of all individuals with a second or subsequent CANS conviction.

32. On June 28, 2011, the Louisiana Legislature eliminated all disparities in penalties and consequences between CANS and Prostitution convictions as well as all registration requirements, effective August 15, 2011. *Compare* La. Rev. Stat. Ann. § 14:82(C) *with* 2011 La. Sess. Law Serv. 223 (West) (H.B. 141). As with convictions under the solicitation provision of the Prostitution statute, CANS convictions occurring after August 15, 2011 no longer require sex offender registration. 2011 La. Sess. Law Serv. 223 (West) (H.B. 141). However, the amendments were not retroactive, and those convicted prior to August 15, 2011 must continue to register as sex offenders. *Id.*

33. Plaintiffs and class members were convicted of CANS prior to August 15, 2011. As a result, though their conduct fell within the scope of the statute prohibiting solicitation of prostitution, they have, without any rational basis, been subjected to mandatory sex offender registration while identically situated individuals convicted under the solicitation provision of the Prostitution statute are not required to register as sex offenders.

34. The sex offender registration requirements referenced above arise out of the 1991 enactment by the Louisiana Legislature of the Registration of Sex Offenders, Sexually Violent Predators, and Child Predators law. The registry law provides for the collection and public dissemination of vast amounts of information about people convicted of specifically enumerated sex offenses.

35. Under the registry law, an individual convicted of CANS must provide her or his name; residential, work, and school addresses, along with travel routes used by the registrant and

two forms of proof of residence for each residential address provided; a current photograph; fingerprints, palm prints, and a DNA sample; cellular and home telephone numbers; a description of every vehicle registered to or operated by the registrant, including license plate number and a copy of the registrant's driver's license or identification card; social security number and date of birth; a description of her or his physical characteristics, including but not limited to sex, race, hair color, eye color, height, age, weight, scars, tattoos, or other identifying marks; every e-mail address, online screen name, or other online identifiers used by the registrant to communicate on the internet (required notice must be given before any online identifier is used to communicate on the internet); temporary lodging information regarding any place where the registrant plans to stay for seven or more days; and travel and immigration documents, including but not limited to passports and documents establishing immigration status.

36. The registrant must pay an annual registration fee of \$60.00 to every law enforcement agency with which she or he is registered. Failure to pay the fee within 30 days of initial registration constitutes a failure to register and subjects the registrant to prosecution for failure to register. La. Rev. Stat. Ann. § 15:542.1.4(A)(3).

37. Registrants must disclose the fact that they are registered as sex offenders to all members of the communities in which they live, work, study and worship, including school principals within the school district where the registrant resides. School principals must post notices in conspicuous areas in schools which state the registrant's name, address, and the crime for which she or he was convicted.

38. Registrants must give notice to their landlords, or whomever owns their residence.

39. Registrants must send notices to the superintendent of any park, playground, or recreation districts near the registrant's home. The registrant's name, address, and the crime for

which she or he was convicted must be posted in conspicuous areas at the park, playground, or recreational facility.

40. The registry law authorizes a court to order a registrant to use signs, handbills, bumper stickers, or clothing labels to further publicize the fact that she or he is a registered sex offender.

41. Any registrant who provides recreational instruction to persons under the age of 17 must also prominently display a notice where the instruction occurs that includes her or his name and photograph, the date and jurisdiction of conviction, and her or his crime of conviction.

42. Driver's licenses and non-driver's state identification issued to registrants feature the words "SEX OFFENDER" in bright orange capital letters, immediately below his or her photograph.

43. In addition, all registrants are required to carry a special identification card issued by the Department of Public Safety and Corrections that includes the words "SEX OFFENDER" in bright orange capital letters at all times. Failure to obtain and annually renew this special identification card constitutes a misdemeanor. La. Rev. Stat. Ann. § 40:1321(J).

44. Registrants must contact the sheriff's office or the police department if they change a place of residence, establish a new or additional residence, or vacate their address of registration with the intent not to return; if they are absent from the address of registration for more than 30 consecutive days or an aggregate of 30 days or more per calendar year and are physically present at another address during that same time period; or if they have a change in name, place of employment, or enrollment.

45. Any time the registrant plans to stay somewhere other than her or his registered address for seven or more consecutive days, he or she must appear in person at the sheriff's

office in the parish of residence at least three days prior to establishing temporary lodging to provide the temporary lodging information regarding *any* place where the offender plans to stay while away.

46. Registrants are subject to specific and onerous requirements in the event of an emergency, such as hurricane evacuation.

47. A person who fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information, provide community notification, or otherwise comply with the many requirements of the registry law can be prosecuted for failure to register and is subject to incarceration for periods of up to 20 years at hard labor – without the possibility of parole, probation or suspension of sentence. La. Rev. Stat. Ann. § 15:542.1.4(A).

48. Criminal liability attaches irrespective of the reason for failure to comply, such as inability to pay for registration or delivery of notification postcards, or homelessness.

49. Anyone who is required to register as a sex offender in Louisiana as a result of a CANS conviction must do so for a period of 15 years from the date of the initial registration. A second or subsequent CANS conviction results in a lifetime registration requirement, regardless of whether the prior offense required registration at the time of commission or conviction.

50. All plaintiffs are required to register as sex offenders under the Louisiana registry law as a result of a CANS conviction. No plaintiff has been convicted of any other crime that requires registration as a sex offender.

51. All plaintiffs were convicted of CANS based on allegations that they agreed to engage in oral sex for compensation.

52. All Plaintiffs are subject to the myriad requirements of the registry law described above. For example, all Plaintiffs' names and addresses appear on the SOCPR website, along with a photograph of their face, and a description of their age, height, weight, race, eye and hair color, list of distinguishing characteristics (including descriptions of scars and tattoos), and their offenses. All Plaintiffs' identification cards and driver's licenses prominently feature the words "SEX OFFENDER" in capitalized, bright orange letters.

53. Plaintiffs are among the nearly 500 individuals across Louisiana who must register as sex offenders solely as a result of a CANS conviction.

54. The prostitution statute encompasses all the criminal conduct alleged to have been committed by Plaintiffs. However, because Plaintiffs were charged with, and convicted of, Crime Against Nature by Solicitation rather than prostitution, they are required to register as sex offenders.

**A. Emma Doe**

55. Emma Doe is a 33-year-old African American mother of five who currently resides in Orleans Parish.

56. In 2001, Emma Doe was convicted of CANS pursuant to La. Rev. Stat. Ann. § 14:89(A)(2). She was initially charged with both CANS and Prostitution pursuant to La. Rev. Stat. Ann. § 14:82 but the Prostitution charge was refused.

57. In 2003, Emma Doe was again convicted of CANS pursuant to La. Rev. Stat. Ann. § 14:89(A)(2).

58. As a result of these convictions and no others, Emma Doe is required to register as a sex offender for life pursuant to La. Rev. Stat. Ann. § 15:542 *et seq.*

59. Emma Doe has suffered harm, including denial of employment and housing opportunities, as well as embarrassment, shame, fear and humiliation, as a result of the mandatory sex offender registration requirement imposed pursuant to her convictions of CANS.

**B. Brenda Doe**

60. Brenda Doe is a 39-year-old transgender woman of color who resides in Orleans Parish.

61. Brenda Doe has a single conviction of CANS dating from 2007.

62. Shortly after entering her plea of guilty, she was advised in writing of the requirement that she register as a sex offender pursuant to La. Rev. Stat. Ann. § 15:542 *et seq.*, a requirement she was unaware of at the time she entered her guilty plea.

63. When Brenda Doe returned to her family home in Mississippi in 2007, she was advised by Mississippi state police that she was required to register as a sex offender in Mississippi as a result of her CANS conviction in Louisiana.

64. Brenda Doe has no other convictions requiring registration as a sex offender in the State of Louisiana or the State of Mississippi.

65. Brenda Doe has suffered harm, including denial of employment and opportunities to participate in family, cultural, and religious activities in her community, as well as embarrassment, shame, fear and humiliation, as a result of the mandatory sex offender registration requirement imposed pursuant to her convictions of CANS.

**C. Bayard Doe**

66. Bayard Doe is a disabled 52-year-old African-American man who lives in Orleans Parish.

67. Bayard Doe has a single conviction of CANS pursuant to La. Rev. Stat. Ann. § 14:89(A)(2) dating from 1999.

68. As a result of this conviction and no other, Bayard Doe is required to register as a sex offender for 15 years pursuant to La. Rev. Stat. Ann. § 15:542 *et seq.*

69. Bayard Doe has suffered harm, including denial of Section 8 housing, as well as embarrassment, shame, fear and humiliation, as a result of the mandatory sex offender registration requirement imposed pursuant to his conviction of CANS.

**D. Ruth Doe**

70. Ruth Doe is a 37-year-old mother of two who resides in East Baton Rouge Parish.

71. Ruth Doe was convicted of Crime Against Nature by Solicitation pursuant to La. Rev. Stat. Ann. § 14:89(A)(2) in 1998 and 1999.

72. Ruth Doe must register as a sex offender for the rest of her life as a result of these convictions and no other.

73. The only conviction pursuant to which Ruth Doe was required to register as a sex offender was a CANS conviction.

74. Ruth Doe has suffered harm, including denial of employment and housing opportunities, as well as embarrassment, shame, fear and humiliation, as a result of the mandatory sex offender registration requirement imposed pursuant to her conviction of CANS.

**COUNT I**  
**(Fourteenth Amendment: Equal Protection)**

75. Plaintiffs incorporate by reference each and every allegation contained in the preceding paragraphs.

76. Defendants' enforcement of the registry law with respect to the named plaintiffs and members of the plaintiff class who have been convicted under the CANS statute has no rational relationship to a legitimate governmental interest and therefore is in violation of plaintiffs' rights to equal protection of the laws under the Fourteenth Amendment to the United States Constitution.

77. Plaintiffs have no adequate remedy at law.

78. As a result of defendants' unlawful conduct, all plaintiffs are suffering continuing constitutional injury and resultant embarrassment, humiliation, shame, fear, and stigma.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully request that the Court:

- a. Certify this case as a class action under Fed. R. Civ. P. 23(a) and (b)(2) for injunctive and declaratory relief;
- b. Declare that La. Rev. Stat. Ann. § 15:542(A)(1)(a) violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution insofar as it requires all individuals convicted under the CANS statute to register as sex offenders;
- c. Order defendants to permanently remove the named plaintiffs and all members of the plaintiff class from the sex offender registry;
- d. Order defendants to expunge all state records that document in any fashion that plaintiffs and members of plaintiff class were ever registered as sex offenders;
- e. Order defendants to alert all agencies who were provided information regarding the registration of plaintiffs and all members of the plaintiff class as sex offenders (including courts, police departments, sheriff's departments, and the Federal Bureau of Investigation) that this information is no longer valid;

- f. Grant plaintiffs authority to monitor defendants' compliance with any injunctive relief ordered by the Court;
- g. Award plaintiffs attorneys' fees and costs; and
- h. Order such other relief as this Court deems just and proper.

Dated: June 27, 2012

/s/ William P. Quigley

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