

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

CASE NO.: 853-462

DIV.: "P"

JACQUELINE "JACKIE" MALONEY

VERSUS

LINDSEY VALENTI AND THE COMMITTEE TO ELECT LINDSEY VALENTI

JUDGE

FILED: _____

DEPUTY CLERK

**SUPPLEMENTAL PETITION FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY AND PERMANENT INJUNCTION**

NOW INTO COURT, comes the Petitioner, JACQUELINE "JACKIE" MALONEY (hereinafter referred to as "Maloney"), a person of the full age of majority who is domiciled in the Parish of Jefferson, State of Louisiana, respectfully represents the following:

1.

Currently before the Court is a Petition for Temporary Restraining Order, Preliminary and Permanent Injunction related to the same parties and same campaign which was filed April 19, 2024.

2.

The issue currently set before the Court is a commercial run by Valenti and her campaign on April 19, 2024, which the undersigned previously asserted contain a number false assertions regarding the undersigned's professional record. It is as to these assertions that the Court has granted a temporary restraining order. The matter was set for trial today, April 23, 2024 and was continued by Valent's counsel of record on April 22, 2024, immediately after the undersigned issued a subpoena to Valenti and advised Valenti's counsel that the undersigned intended to call Valenti as a witness at the hearing.

3.

On April 23, 2024, conveniently after the close of Court, Valenti ran another commercial, an edit from the April 19, 2024 commercial, containing 5 booking photographs. Please see still



from the April 23, 2024 video, *Exhibit Number 1 en globo*.¹ In the edited commercial, Ms. Valenti and her campaign use booking photographs of individuals whose charges were dismissed or plead to misdemeanors, which is in violation of the law. Further, it is unclear how Ms. Valenti would have obtained these photographs, since the current law does not permit booking photographs to be distributed to a private individual except in certain circumstances.

5.

Article 234 of the Louisiana Code of Criminal Procedure provides:

Art. 234. Booking photographs

A. As used in this Article:

(1) "Booking photograph" means a photograph or still, non-video image of an individual generated by a law enforcement agency for identification purposes after arrest or while in the agency's custody.

(2) "Remove-for-pay publication or website" means a publication that requires the payment of a fee or other valuable consideration in order to remove or delete a booking photograph from the publication or which utilizes the publication of booking photographs for profit or to obtain advertising revenue.

B. Except as provided in this Article, a law enforcement officer or agency shall not provide a copy of a booking photograph in any format to a person requesting a copy of that photograph.

C.(1) No law enforcement officer or agency shall publish, release, or disseminate in any format a booking photograph to the public or to a private person or entity unless any of the following occurs:

(a) The individual is a fugitive, and a law enforcement officer or agency determines that releasing or disseminating the booking photograph will assist in apprehending the individual.

(b) A law enforcement officer or agency determines that the individual is an imminent threat to an individual or to public safety and determines that releasing or disseminating the booking photograph will assist in reducing or eliminating the threat.

(c) A judge of a court of competent jurisdiction orders the release or dissemination of the booking photograph based on a finding that the release or dissemination is in furtherance of a legitimate interest.

(d) The individual is convicted of or pleads guilty or nolo contendere to a crime, lesser crime, or lesser included offense as defined in Article 558 in response to the same crime for which he was arrested or if there is criminal litigation related to the same crime that is pending or reasonably anticipated.

(e) The individual is charged with a crime of violence as defined in R.S. 14:2(B), except stalking, or charged with any of the following offenses:

(i) Sex offenses as defined in R.S. 15:541.

(ii) Human trafficking offenses as defined in R.S. 14:46.2 and 46.3.

(iii) Offenses affecting the health and morals of minors, R.S. 14:91 et seq.

(iv) Offenses affecting the health and safety of persons with infirmities, R.S.14:93.3 et seq.

(v) Video voyeurism.

(vi) Cruelty to animals.

(vii) Dogfighting.

(f) The individual is released on a bail undertaking and the law enforcement officer or agency is requested to release or disseminate the booking photograph to the individual's surety agent.

(g) A law enforcement officer or agency determines that releasing or disseminating the booking photograph is necessary for investigative purposes.

¹ The undersigned submitted the original video to the Court on April 19, 2024. Valenti removed the final booking photograph from the current video, but all the remaining booking photographs remain. The undersigned intends to bring the current video to Court the date of the hearing, as it cannot be uploaded to JeffNet simultaneously with the filing of this Supplemental Petition since it is after hours.



(2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph, a law enforcement officer or agency shall provide a copy of a booking photograph to the individual who is the subject of the booking photograph or to the counsel of record for the individual upon request.

(3) A booking photograph published, released, or disseminated by a law enforcement officer or agency, except after the subject of the booking photograph being found guilty or pleading guilty or nolo contendere as provided in Subsubparagraph (1)(d) of this Paragraph, shall include a disclaimer that states "all persons are presumed innocent until proven guilty".

(4) No law enforcement agency or employee thereof shall be subject to civil action or be held liable when the publication, release, or dissemination was made by mistake of fact or error, or was inadvertent and made in good faith.

D. The publication of a booking photograph of a Louisiana resident constitutes minimum contact with the state and by doing so, the party shall be subject to the jurisdiction of Louisiana courts.

E.(1) A remove-for-pay publication or website shall remove and destroy a booking photograph of an individual who submits a request for removal and destruction within seven calendar days from the day that the individual makes the request if both of the following conditions exist:

(a) The individual in the booking photograph was acquitted of the criminal charge or not prosecuted, or the individual had the criminal charge expunged, vacated, or pardoned.

(b) The individual submits, in relation to the request, evidence of a disposition described in Subsubparagraph (a) of this Subparagraph.

(2)(a) A remove-for-pay publication or website shall not require payment for removal or destruction of the booking photograph.

(b) Any remove-for-pay publication or website that seeks any fee or other valuable consideration for the removal or destruction of a booking photograph shall be subject to prosecution under R.S. 14:66.

(3) If the remove-for-pay publication or website does not remove and destroy the booking photograph, the remove-for-pay publication or website shall be liable for all costs, including reasonable attorney fees, resulting from any legal action that the individual brings in relation to the failure of the remove-for-pay publication or remove-for-pay website to remove and destroy the booking photograph.

Acts 2022, No. 494, §2, eff. June 16, 2022; Acts 2023, No. 303, §1.

6.

Case Number 17-4439 is a Kenner case. The charges were *refused* by the Jefferson Parish District Attorney's Office. Valenti placed this individual's booking photograph in her April 23, 2024 commercial. There is no legal basis for Ms. Valenti to have obtained this photograph as a private person, and no legitimate reason for the booking photograph to be used a political commercial. Obtaining this photograph and publishing this photograph is a violation of Article 234(C)(1)(d).

7.

Case number 14-6675 is a Jefferson Parish case. The defendant plead guilty to a misdemeanor. Ms. Valenti placed this individual's booking photograph in her April 23, 2024 commercial. Even considering Louisiana Code of Criminal Procedure Article 558 and 814, there is no exception under Article 234 that would explain how Ms. Valenti obtained this booking



photograph. Again, there is no legal basis for Ms. Valenti to have obtained this photograph from law enforcement, and no legitimate reason for the booking photograph to be used.

8.

Louisiana law does not currently permit the release of booking photographs unless one of the exceptions listed in Article 234 is met. As in-house counsel for the Jefferson Parish Sheriff's office, surely Ms. Valenti is aware of this law as she was responsible for handling public records requests that dealt with this very issue.

9.

Canon 2 of the Louisiana Judicial Code of Conduct states:

- A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

10.

Canon 7 of Louisiana Judicial Code of Conduct states:

- (1) maintain the dignity appropriate to judicial office and act in a manner consistent with the impartiality, integrity and independence of the judiciary;
- (2) review and approve the content of all political advertisements produced by the judge or judicial candidate or his or her campaign committee, as authorized by Canon 7D, before their dissemination;
- (3) take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under this Canon; and
- (4) except to the extent permitted by Canon 7D, not authorize or knowingly permit any person to do for the candidate what the judge or judicial candidate is prohibited from doing under this Canon.

13.

Maloney is entitled to a Temporary Restraining Order, Preliminary Injunction and in due course, a Permanent Injunction in accordance with the Louisiana Code of Civil Procedure Article 3601 *et seq*, against the Defendants Lindsey Valenti and the Committee to Elect Lindsey Valenti Judge immediately enjoining, restraining and prohibiting Defendants from violating Louisiana law and the Code of Judicial Conduct by further airing their new commercial containing booking photographs in violation of Article 234 of the Louisiana Code of Criminal Procedure. Maloney further seeks an order



that Valenti must immediately cease running the commercial at issue. Valenti is not allowed to violate the law in an effort to stop the voters from casting votes for the undersigned.

36.

Immediate and/or irreparable harm, injury and/or loss will result to Maloney if the temporary restraining order requested herein is not immediately granted. Failure to immediately restrain Valenti will leave Maloney without a remedy, as the election is in 4 days. Notwithstanding Petitioner's showing of irreparable harm, when the complained conduct is a violation of a statute, no showing of irreparable harm is required to enjoin the said violation. See *Louisiana Auto Dealers Assoc. v. Politz*, 95-0432, 664 So. 2d 1251 (La. App. 1st Cir 11/9/95) and *Jurisich v. Jenkins*, 99-0076 (La. 10/19/99), 749 So. 2d 597, 599.

WHEREFORE, Petitioner prays that:

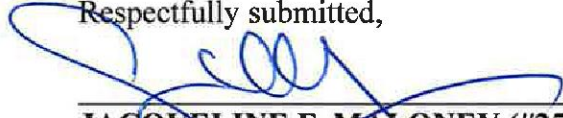
- (1) a temporary restraining order issue herein, promptly restraining, enjoining and prohibiting the defendants and all persons, firms, corporations or other agents acting or claiming to act on behalf of or in concert with defendants from publishing, airing, broadcasting, or making any other type of declaration, public or private, via television, radio, internet, print, media containing the booking photographs of the individuals in Case Numbers 17-4439 and 14-6675.
- (2) Defendants be ordered to appear before this Honorable court to show cause why Maloney's requested injunctive relief should not be granted;
- (3) Defendants Lindsey Valenti and the Committee to Elect Lindsey Valenti Judge should be served with a certified copy of this petition, the rule to show cause and the order of this Court assigning the date and hour of the trial thereon;
- (4) In due course, after the matter is heard by the Court on an expediated basis, an order issue a final and permanent injunction pursuant to La. RS. 18:1463(D)(1), restraining, prohibiting and enjoining Defendants and all other persons, firms, corporations or other agents acting or claiming to act on behalf of or in concert with defendants from publishing, airing, broadcasting, or making any other type of declaration, public or private, via television, radio, internet, print, media containing the booking photographs of the individuals in Case Numbers 17-4439 and 14-6675.
- (5) Maloney should be awarded attorney's fees, as reasonable under the premises pursuant to La. R.S. 18:1463(D)(2); and



(6) Maloney be granted all general and equitable relief as this Honorable Court may deem fit and proper

(7) The undersigned counsel certified that she has sent an email to the Defendant's counsel with a courtesy copy of these pleadings attached, and undersigned's mobile telephone number together with notice of the potential for an immediate hearing on this Petition for Temporary, Preliminary and Permanent Injunctive Relief as required by law.

Respectfully submitted,



JACQUELINE F. MALONEY (#25779)
3445 North Causeway Boulevard, Suite 210
Metairie, Louisiana 70002
Telephone: (504) 333-6934
Facsimile: (504) 324-0626
E-mail: jackie@maloneylawfirm.net

CERTIFICATE OF SERVICE

I hereby certify that I have on this 23rd day of April, 2024, served a copy of the foregoing pleading on all known counsel to all parties to this proceedings, by fax, email and/or mailing the same by US Mail, properly addressed, and first class postage prepaid.



JACQUELINE F. MALONEY



24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

CASE NO.: 853-462

DIV.: "P"

JACQUELINE "JACKIE" MALONEY

VERSUS

LINDSEY VALENTI AND THE COMMITTEE TO ELECT LINDSEY VALENTI

JUDGE

FILED: _____

DEPUTY CLERK

ORDER

Considering the above and foregoing:

(1) IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that a temporary restraining order issue immediately against LINDSEY VALENTI AND THE COMMITTEE TO ELECT LINDSEY VALENTI JUDGE enjoining and prohibiting Defendants restraining, enjoining and prohibiting the defendants and all persons, firms, corporations or other agents acting or claiming to act on behalf of or in concert with defendants from publishing, airing, broadcasting, or making any other type of declaration, public or private, via television, radio, internet, print, media containing the booking photographs of the individuals in Case Numbers 17-4439 and 14-6675.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Temporary Restraining Order is effective as of the 24TH day of April, 2024 at 8:56 a.m. p.m., and expires at the end of (10) days issuance

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants, LINDSEY VALENTI AND THE COMMITTEE TO ELECT LINDSEY VALENTI JUDGE are ordered to appear and show cause on the 25TH day of April, 2024 at 10:30 a.m. p.m. why a preliminary injunction ordering the matters described above, pending a trial on the merits of this action, should not issue and why Defendants should not be cast with attorney's fees and court costs.



IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, if the hearing on the preliminary injunction is set in excess of 10 days after the issuance of the temporary restraining order, the temporary restraining order shall remain in effect until the hearing for the preliminary injunction. This order shall be deemed an extension of the temporary restraining order.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, in accordance with La. C.C.P. Art. 3609, at the hearing, the Court shall consider Petitioners' application for a preliminary injunction on the verified pleadings and by affidavits, or by proof as in ordinary cases, or by any and all such methods at the election of the party offering the proof.

GRETNA, Louisiana, this 24th day of April, 2024.



JUDGE

PLEASE SERVE:

**LINDSEY VALENTI
1005 N. WOODLAWN AVENUE
METAIRIE, LOUISIANA 70001**

**THE COMMITTEE TO ELECT LINDSEY VALENTI JUDGE
THROUGH HER CAMPAIGN CHAIRPERSON
SCOTT STANSBURY**

Attorney at Law
**LAW OFFICE OF DAVID I. COURCELLE, LLC
3500 N. Causeway Blvd., Suite 185
Metairie, Louisiana 70002**

24th E-Filed: 04/23/2024 20:16 Case: 853462 Div.P Aily:025779 JACQUELINE MALONEY

