

**KANDICE DEQUEANT,
Individually, and on behalf of their minor child,
NOAH DEQUEANT**

DOCKET: _____

15th JUDICIAL DISTRICT COURT

VERSUS

PARISH OF LAFAYETTE

**LAFAYETTE PARISH SCHOOL SYSTEM, and
CITY OF YOUNGSVILLE**

STATE OF LOUISIANA

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, come the Petitioners herein, **KANDICE DEQUEANT, individually, and on behalf of her minor child, NOAH DEQUEANT**, who file this Petition for Damages, and who, with respect to same, do hereby allege, aver, espouse, attest and state as follows, to-wit:

PARTIES

1.

Petitioner, Kandice Dequeant, is a Louisiana resident of the age of majority and domiciled in the Parish of Lafayette. Kandice Dequeant is the sole parent and legal guardian for her minor child and Petitioner, Noah Dequeant. Petitioner, Noah Dequeant, is seventeen (17) years of age, is severely autistic and is functioning around an 18 month old mental capacity according to his medical evaluation dated July 2023.

2.

LAFAYETTE PARISH SCHOOL BOARD (“LPSB”), a political subdivision of the State of Louisiana, organized pursuant to L.S.A. R.S. § 7:51, *et seq.* for the purpose of providing public education to the school children of Lafayette Parish, including Petitioner, Noah Dequeant. The School Board has the right and power to sue and be sued and is responsible for ensuring that School District’s programs comply with United States and Louisiana Constitutions and federal and state law.

3.

CITY OF YOUNGSVILLE, a political entity that was incorporated under the provisions of the Lawrason Act and operates under the Mayor-City Council form of government. In addition, the Youngsville Police Department is and does act as an arm of The City of Youngsville government and is under the direct supervision and ultimate control of The City of Youngsville. The City of Youngsville and the Youngsville Police Department operate within the Parish of Lafayette, Louisiana.

OPERATIVE FACTS

4.

On August 14, 2023, Plaintiff, Noah Dequeant's first day of school, the special education busses were not running and available for pickup and drop off. As a result, Plaintiff, Kandice Dequeant, and Brianna Henry, the caregiver that she hired to assist with pick up and drop off of Noah Dequeant, drove Noah to Southside High School so that the school staff could meet the caregiver. No one was available at the drop off point, so they drove around to the bus and had someone call for the special education (SPED) staff. The SPED staff came out and unloaded Noah at approximately 7:15 a.m.

5.

On August 15, 2023 at approximately 7:00 a.m., caregiver, Briana Henry, drove Noah to Southside High School and the school staff received Noah from Briana with no issues. A little later that morning, Plaintiff, Kandice Dequeant sent an email to Ben Mouton, who is Noah's teacher, stating that Briana Henry was a caregiver and would be dropping Noah off and picking him up. The email identified the specific car that Briana Henry was driving and also gave Ben Mouton the cell phone number for Briana Henry. The assistant principal, Stephanie Guidry, was also copied on the email. At approximately 1:40 p.m., Briana Henry received a phone call from Southside High School and spoke with Ben Mouton in order to verify that she would be picking Noah up from school. Ben Mouton instructed Briana Henry to drive to the same place that she had dropped Noah off that morning in order to pick him up. At approximately 2:20 p.m. Briana Henry arrived at Southside High School and went to the location that she was instructed by Ben Mouton in order to wait for Noah. By 2:42 p.m., Noah had still not come out.

Briana Henry began calling the school and was finally told at 2:51 p.m. that they had put Noah on a bus, although no one had been given a bus number, driver, drop off time or any information about a bus route. Briana informed the school that Ben Mouton knew she would be there to pick up Noah and that no one was at home to receive Noah. Finally, at 3:13 p.m., the bus pulled up with Noah on it, and fortunately, Plaintiff, Kandice Dequeant was at home by this time. Later that evening at approximately 8:20 p.m., Ben Mouton called Plaintiff, Kandice Dequeant, and said that Noah was put on the bus by mistake, but that the bus would be there to pick him up

at 5:45 a.m. the next morning. Plaintiff expressed her concerns that Noah would have an extremely difficult time with such a long day due to his severe autism. However, Ben Mouton assured her that he would text her throughout the day to update her and to see if Noah was able to adjust to such an early start to the day.

6.

On August 16, 2023, Noah was picked up by the SPED bus at 5:45 a.m. There was zero contact with Plaintiff, Kandice Dequeant, throughout the day by Ben Mouton. At approximately 2:40 p.m., assistant principal at Southside High School, Stephanie Guidry, called Kandice while Kandice was at a dental appointment and said that Noah would not get on the bus and someone had to go and pick him up. Kandice explained that the reason for Noah not cooperating is due to the way too early pick up time. Kandice also informs Stephanie Guidry that she is at a dental appointment and that the caregiver, Briana Henry, will pick up Noah since she is waiting for him to be dropped off by the bus at home. Stephanie Guidry stated that Briana Henry could pick him up by going to the front office. Briana Henry arrived at Southside High School at 3:02 p.m. and was not required to show ID because Ben Mouton had met her the two previous days. Briana Henry was able to coax Noah out of his classroom and to her car. Kandice arrived at Southside and Noah left with her without issue.

7.

On August 17, 2023 Noah was again picked up by the SPED bus at 5:45 a.m. Again, neither Plaintiff, Kandice Dequeant, nor caregiver, Briana Henry, received any texts or updates regarding Noah from Ben Mouton or anyone else at Southside High School during the school day. When Kandice got off of work, she left to attend a follow up doctor's appointment in Crowley, Louisiana. Briana Henry is at Kandice's home waiting for Noah to be dropped off by the SPED bus. At 3:19 p.m., Briana Henry texted Kandice and indicated that Noah was still not home and that she had not received a phone call from the school. Kandice was at the doctor's office by this time, so she asked Briana to call the school, which she did, but no one answered. While at the doctor's office, Kandice noticed that she had two calls from blocked and private numbers. When she checked her voice mail there was a message from Jeanine LaFleur with LPSS (Lafayette Parish School System). Kandice returned the call and spoke directly with Jeanine LaFleur at 3:24 p.m. and explained that she was at a doctor's appointment in Crowley, LA and it would take her one and a half hours to get to Southside High School. At 3:27 p.m.

Briana Henry notifies Kandice that cops came to the house and told her that someone needs to pick up Noah. At 4:02 p.m. Briana Henry arrived at Southside High School and officers with the Youngsville Police Department are surrounding the bus and Noah appears to be on the bus alone. One of the officers is standing at the door of the bus and will not let Noah off of the bus to meet the caregiver, Briana Henry. At this time, Noah has been on the bus for approximately 1 ½ hours with outside temperatures at 100 plus degrees Fahrenheit and an excessive heat warning in place. Although, the caregiver was present and had picked up Noah before without issue, neither the Youngsville Police Officers or the Southside High School staff would allow the caregiver to go on the bus or take Noah off of the bus, and in fact, the caregiver was ordered to remain in her vehicle until Kandice arrived. At 4:32 p.m. Kandice received a call from Briana with a female police officer with Youngsville Police Department demanding that she appear on facetime, but Kandice advised that she was driving from Crowley to get to Southside High School to pick up Noah and that her phone could not accept video calls while driving as it is a safety feature. The female officer yelled at Kandice and said that she was criminally neglecting Noah and then ended the call. At 4:55 p.m., Briana Henry advised Kandice that more police were on the way and that the “orange haired lady with glasses” (Stephanie Guidry, assistant principal) was calling child protective services. At 5:24 p.m., Kandice, due to traffic congestion, finally arrived at Southside High School and Noah is still on the bus with a Youngsville Police officer standing at the door of the bus not allowing him off. At this time, Noah has now been illegally held on the bus by the Youngsville Police Department in temperatures in excess of 100 degrees Fahrenheit for 3 hours. In addition to Youngsville Police officers, Allison Bloomer, principal of Southside High School, Stephanie Guidry, assistant principal of Southside High School, and Jeanine Lafleur, Lafayette Parish School System assistant superintendent were present, but no one was on the bus with Noah trying to assist him or keep him calm.

8.

On August 18, 2023, Noah was given out of school suspension, but at 6:50 a.m., Kandice called Southside High School for a readmit meeting. Later that day, Kandice was paid a visit by Renee Johnson, an investigator with Louisiana Child Protective Services who informed her that she was reported for child neglect, and it was alleged she had refused to pick up Noah from school and had not made arrangements for him..

CAUSES OF ACTION

COUNT ONE: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

9.

Plaintiffs incorporate by reference the foregoing paragraphs of this Petition for Damages as if fully set forth herein. The actions of defendant, **LAFAYETTE PARISH SCHOOL BOARD**, through the actions of its employees at Southside High School, as outlined above were beyond egregious and went beyond the pale. The employees of Southside High School knew that a caregiver had been hired and assigned by Plaintiff, Kandice Dequeant, to assist in picking up and dropping off, Plaintiff, Noah Dequeant, as the caregiver had picked up and dropped off Noah on multiple prior occasions at Southside High School. In spite of this, they intentionally would not allow the caregiver to pick up Noah on August 17, 2023. Further, they intentionally left Noah on the bus in temperatures and heat indexes above 100 degrees Fahrenheit unsupervised thereby placing him in extreme danger, even though they knew a caregiver was there and authorized to take him home. However, upon information and belief, the most egregious actions of Southside High School employees was to file and/or make a false report of “child neglect” to the Louisiana Department of Child Family Services. It is believed, and therefore alleged, that the false report was made/filed intentionally as retaliation against Plaintiff, Kandice Dequeant.

COUNT TWO: CIVIL RIGHTS VIOLATIONS PURSUANT TO 42 U.S.C. § 1983

10.

Plaintiffs incorporate by reference the foregoing paragraphs of this Petition for Damages as if fully set forth herein. The actions of the **CITY OF YOUNGSVILLE**, through certain unidentified yet to be named officers of the Youngsville Police Department, while acting under the color of law intentionally violated Plaintiff’s constitutional rights. As outlined above, officers of the Youngsville Police Department violated Noah Dequeant’s 4th Amendment rights in unlawfully seizing him when they had no probable cause to do so. The officers knew and/or should have known thorough their interactions with Southside High School and the caregiver that there was no reason to detain Noah Dequeant, much less to detain him on a school bus in

excessive heat for over 3 hours. The officers' actions placed Noah Dequeant in extreme danger.

11.

As a result of the actions of Defendants herein, Plaintiffs have suffered and continue to suffer extreme emotional distress, humiliation and embarrassment and seek to be compensated for same.

In addition to all general damages owed to Plaintiffs in this matter, Plaintiffs are entitled to exemplary damages for violation of their Constitutional rights, including, but not limited to punitive damages, all costs of these proceedings and reasonable attorney's fees.

WHEREFORE, Plaintiffs, **KANDICE DEQUEANT, individually, and on behalf of her minor child, NOAH DEQUEANT**, pray that Defendants, **LAFAYETTE PARISH SCHOOL BOARD** and **CITY OF YOUNGSVILLE** be served with the instant Petition for Damages and be cited to appear and answer it, and that after due proceedings had, there be Judgment for Plaintiffs and against Defendants named herein.

PLAINTIFFS FURTHER PRAY for all legal interest from date of judicial demand until paid, for all costs of these proceedings, and all other just an equitable relief to which Plaintiffs are entitled.

Respectfully submitted:

WELBORN & HARGETT, LLC



BY: _____

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Attorneys for Plaintiffs, *Kandice Dequeant, individually, and on behalf of her minor child, Noah Dequeant*

PLEASE SERVE:

CITY OF YOUNGSVILLE
Through Mayor Ken Ritter
305 Iberia St.
Youngsville, LA 70592

LAFAYETTE PARISH SCHOOL BOARD
Through President, Mr. Tommy Angelle
113 Chaplin Dr.
Lafayette LA 70508