

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - LOUISIANA**

### **Morales v. Parish of Jefferson**

**Court of Appeal of Louisiana, Fifth Circuit - April 30, 2014 - So.3d - 13-486 (La.App. 5 Cir. 4/30/14)**

In consolidated cases, motorists brought class action for damages and declaratory judgment against parish and traffic enforcement company, alleging parish ordinance for automated enforcement of traffic signals was unconstitutional. After initial grant of defendants' exception of res judicata was reversed on appeal, the District Court granted summary judgment to parish and company. Motorists appealed.

The Court of Appeal held that:

- Ordinance had a non-punitive purpose, as would support finding that ordinance was civil in nature and thus not subject to statute regulating collection of criminal fines and forfeitures;
- Ordinance was not preempted by Louisiana Highway Regulatory Act (LHRA);
- Ordinance did not conflict with LHRA; but
- Genuine issue of material fact as to whether ordinance gave alleged violators sufficient notice of proceedings against them, so as to satisfy due process, precluded summary judgment; and
- Motorists were not afforded sufficient time for discovery prior to grant of summary judgment.