

Bond Case Briefs

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MUNICIPAL ORDINANCE - LOUISIANA

Albe v. City of New Orleans

Court of Appeal of Louisiana, Fourth Circuit - July 29, 2015 - So.3d - 2015 WL 4598291 - 2014-1013 (La.App. 4 Cir. 7/29/15)

Motorist cited for traffic violation pursuant to Automated Traffic Enforcement System (ATES) ordinance brought putative class action, on behalf of herself and putative class of automobile owners ticketed for violating ordinance who paid fines directly, contested fines, lost, and paid, or had not yet paid fines and received delinquent notice, against city and automated traffic enforcement systems company, challenging overall validity of ordinance and seeking to have it declared unconstitutional on its face and as applied.

The Civil District Court denied class certification. Motorist and putative class appealed.

The Court of Appeal held that:

- Class failed to meet numerosity requirement for certification;
- Class failed to meet commonality requirement for certification; and
- Definition of class was overly broad.