

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Jamie Johnson in her capacity as tutor for R.C., a minor child v.
Randy Smith, et al.

Johnson v. Smith · No. 24-170 · Decided December 18, 2025

SUMMARY

The United States District Court for the Eastern District of Louisiana denies defendants’ motion for attorney’s fees under 42 U.S.C. § 1988 and Federal Rule of Civil Procedure 54(d)(2). The court concludes that the plaintiff’s civil-rights claims were not frivolous, despite dismissal on qualified-immunity grounds and affirmance by the Fifth Circuit, and also notes defendants’ failure to comply with Local Rule 54.2. The court dismisses without prejudice defendants’ motion to tax costs because the initial determination must be made by the clerk under the applicable local rules.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Lance M. Africk
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	December 18, 2025
DOCKET	24-170
DISPOSITION	other
PROCEDURAL POSTURE	Following summary judgment for defendants on qualified-immunity grounds and affirmance by the Fifth Circuit, defendants moved for attorney's fees under 42 U.S.C. § 1988 and taxation of costs under 28 U.S.C. § 1920. The district court denied the fee motion and dismissed the costs motion without prejudice as procedurally improper.
STANDARD OF REVIEW	The opinion applies the governing standards for prevailing-defendant attorney's-fee awards under 42 U.S.C. § 1988 and for taxation of costs under the Federal Rules of Civil Procedure and the Eastern District of Louisiana Local Rules. It does not state a separate appellate standard of review for the fee or cost motions.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Jamie Johnson, in her capacity as tutor for R.C., a minor child v.
Randy Smith, Bill Johnson, Chris Vado, and John Connolly

TOPICS

attorney fees costs section 1983 qualified immunity civil procedure

PRACTICE AREAS

civil rights litigation attorney's fees litigation costs civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether defendants were entitled to attorney's fees under 42 U.S.C. § 1988 on the ground that plaintiff's civil-rights claims were frivolous, unreasonable, or groundless.
2. Whether defendants' attorney's-fee motion complied with Local Rule 54.2 despite failing to include a verified, contemporaneous billing report.
3. Whether the district court could decide defendants' motion to tax costs when Local Rules 54.3 and 54.3.1 assign the initial determination to the clerk of court.

HOLDINGS

1. Defendants were not entitled to attorney's fees because plaintiff's claims were not frivolous, unreasonable, or groundless. A loss on summary judgment based on qualified immunity, including failure to satisfy the clearly-established-law prong, does not by itself establish frivolousness.
2. Even if defendants had established frivolousness, the court would have declined to award fees because defendants failed to comply with Local Rule 54.2 by omitting a verified, contemporaneous report documenting the date, time, and nature of the services performed.
3. The motion to tax costs was procedurally improper and was dismissed without prejudice because the initial determination regarding costs must be made by the clerk of court.

KEY QUOTATIONS

“attorneys’ fees are only available to defendants when “the plaintiff’s action was frivolous, unreasonable, or without foundation, even though not brought in subjective bad faith.”” (Section II.a)

“This Court finds that plaintiff’s claims were not frivolous.” (Section III.a)

“Even if plaintiff’s claims were frivolous, defendants have failed to comply with Local Rule 54.2 by not submitting “a verified, contemporaneous report reflecting the date, time involved, and nature of the services provided.”” (Section III.a)

“The initial determination with respect to defendants’ request for costs is to be made by the U.S. Clerk of Court, not this Court.” (Section III.b)

FACTUAL BACKGROUND

The underlying action arose from an encounter between R.C., a minor child, and Chris Vado, a detective, and John Connolly, a deputy with the St. Tammany Parish Sheriff's Office. Plaintiff alleged excessive force under 42 U.S.C. § 1983, Louisiana constitutional violations, battery, negligence, failure to intervene, and respondeat superior. The district court and Fifth Circuit concluded that defendants were entitled to qualified immunity because the alleged unlawfulness was not clearly established, while the record showed that the encounter occurred and resulted in injuries to R.C.

PROCEDURAL HISTORY

Plaintiff asserted federal civil-rights and state-law claims arising from a law-enforcement encounter involving her minor daughter. On December 6, 2024, the district court granted defendants' summary-judgment motion, dismissed the federal claims with prejudice on qualified-immunity grounds, and dismissed the state-law claims without prejudice. The Fifth Circuit affirmed on November 5, 2025. Defendants then sought attorney's fees and costs; the district court denied fees and dismissed the costs motion without prejudice because the initial cost determination had to be made by the clerk under the local rules.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Defendants may pursue taxation of costs through the procedure prescribed by Local Rules 54.3 and 54.3.1.

CASES CITED

- *Petteway v. Henry*, 738 F.3d 132, 137 (5th Cir. 2013)
- *DeLeon v. Abbott*, 687 F. App'x 340, 342 (5th Cir. 2017)
- *Associated Builders & Contractors of La., Inc. v. Orleans Parish School Board*, 919 F.2d 374, 380 (5th Cir. 1990)
- *Sanchez v. City of Austin*, 774 F.3d 873, 878 (5th Cir. 2014)
- *Cruz v. Hauck*, 762 F.2d 1230, 1233 (5th Cir. 1985)
- *Vaughn v. Lewisville Independent School District*, 62 F.4th 199, 203-04 (5th Cir. 2023)
- *Christiansburg Garment Co. v. Equal Employment Opportunity Commission*, 434 U.S. 412, 421-22 (1978)
- *Doe v. Silsbee Independent School District*, 440 F. App'x 421, 425 (5th Cir. 2011)
- *Dean v. Riser*, 240 F.3d 505, 508 (5th Cir. 2001)
- *WickFire, LLC v. Woodruff*, 989 F.3d 343, 349 (5th Cir. 2021)
- *Perkins v. Hart*, 2024 WL 3755238, at *11 (E.D. La. June 28, 2024), report and recommendation adopted, 2024 WL 3742743 (E.D. La. Aug. 7, 2024)
- *Offord v. Parker*, 456 F. App'x 472, 474 (5th Cir. 2012)
- *Hughes v. Rowe*, 449 U.S. 5, 15-16 (1980)
- *Usea v. Manuel*, 2022 WL 7037225, at *3 (E.D. La. Oct. 12, 2022)

- Jones v. Texas Tech University, 656 F.2d 1137, 1146 (5th Cir. 1981)
- Bailey v. Normand, 2015 WL 1268325 (E.D. La. Mar. 19, 2015)
- Washington v. Smith, 639 F. Supp. 3d 625, 658 (E.D. La. 2022)
- Lewis v. Smith, 2019 WL 4521422 (E.D. La. Sept. 19, 2019)
- Cordova v. Louisiana State University Agricultural & Mechanical College Board of Supervisors, 2023 WL 2967893 (5th Cir. Apr. 17, 2023), cert. denied, 144 S. Ct. 187 (2023)
- Green v. Administrators of Tulane Educational Fund, 284 F.3d 642, 664 (5th Cir. 2002)
- Romaguera v. Gegenheimer, 162 F.3d 893, 895-96 (5th Cir. 1998), clarified on denial of rehearing, 169 F.3d 223 (5th Cir. 1999)
- La. Power & Light Co. v. Kellstrom, 50 F.3d 319, 324 (5th Cir. 1995)
- Doe v. Fitch, 2023 WL 2882717, at *1 (5th Cir. Apr. 11, 2023)
- Alvarez v. McCarthy, 2022 WL 822178, at *3 (5th Cir. Mar. 18, 2022)
- Hopwood v. Texas, 236 F.3d 256, 281 (5th Cir. 2000)
- Hill v. Schilling, 2022 WL 1718739, at *18 (N.D. Tex. Nov. 22, 2022)
- Tollett v. City of Kemah, 285 F.3d 357, 368 (5th Cir. 2002)
- Cox v. Mignon Faget, Ltd., 2025 WL 2022669, at *3 (E.D. La. July 18, 2025)
- Islamic Center of Mississippi v. City of Starkville, 876 F.2d 465, 469 (5th Cir. 1989)
- Saizan v. Delta Concrete Products Co., 448 F.3d 795, 799-800 & n.18 (5th Cir. 2006)
- Holmes v. Reddoch, 2024 WL 4989454, at *3 (E.D. La. Dec. 5, 2024)
- Watkins v. Fordice, 7 F.3d 453, 457 (5th Cir. 1993)
- Walker v. U.S. Department of Housing & Urban Development, 99 F.3d 761, 770-71 (5th Cir. 1996)
- Johnson v. Georgia Highway Express, Inc., 488 F.2d 714 (5th Cir. 1974)
- Perdue v. Kenny A. ex rel. Winn, 559 U.S. 542, 554 (2010)
- In re Pilgrim's Pride Corp., 690 F.3d 650, 656 (5th Cir. 2012)
- Matter of Fender, 12 F.3d 480, 488 (5th Cir. 1994)
- Canaski v. MID Mississippi Properties, 2017 WL 4531690, at *7 (S.D. Miss. May 17, 2017)
- Shipes v. Trinity Industries, 987 F.2d 311, 321-23 (5th Cir. 1993)
- Hensley v. Eckerhart, 461 U.S. 424, 436-37 (1983)
- Thorton v. Colvin, 2016 WL 3952040, at *1-2 (E.D. La. July 22, 2016)
- Hoffman v. Bailey, 2017 WL 2212503, at *6-9 (E.D. La. May 16, 2017)
- Curran v. Aleshire, 800 F.3d 656 (5th Cir. 2015)

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