

LOUISIANA COURT OF APPEAL, FOURTH CIRCUIT

**Paulette Stoke, Ricquel Hale, Rodney Thomas, Joinell Stokes,
Angellica Bozant, Alvin Jones and Carol Jones v. the City of New
Orleans, the Honorable Mitch Landrieu, the Honorable Stacy Head,
the Honorable Jason Rogers Williams, the Honorable Susan G.
Guidry, the Honorable Latoya Cantrell, the Honorable Nadine M.
Ramsey, the Honorable Jared C. Brossett**

No. 2025-CA-0258 · No. 2025-CA-0258 · Decided December 17, 2025

SUMMARY

Judge Lobrano dissents from the Louisiana Fourth Circuit Court of Appeal's decision affirming the denial of class certification in a challenge to New Orleans's Automated Traffic Enforcement System. The dissent argues that the evidence of more than 800,000 citations and over \$88 million in payments established numerosity and an objectively definable class, and that individualized reliance and damages issues should not foreclose certification at this stage.

CASE DETAILS

COURT	Louisiana Court of Appeal, Fourth Circuit
WRITING FOR THE COURT	Joy Cossich Lobrano, J.; Rosemary Ledet, J.; Nakisha Ervin-Knott, J.
JURISDICTION	Louisiana Court of Appeal, Fourth Circuit
DECIDED	December 17, 2025
DOCKET	2025-CA-0258
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed the district court's denial of class certification in an action challenging the legality of New Orleans's Automated Traffic Enforcement System and related notices, affidavits, fines, fees, and penalties. The majority affirmed, and Judge Lobrano dissented.
STANDARD OF REVIEW	The ultimate decision to certify or deny class certification is reviewed for abuse of discretion; factual findings are reviewed for manifest error; and questions of law are reviewed de novo.
PRECEDENTIAL VALUE	Published dissenting opinion; the dissent's reasoning is nonbinding.

PARTIES

Paulette Stoke, Ricquel Hale, Rodney Thomas, Joinell Stokes, Angellica Bozant, Alvin Jones, Carol Jones v. City of New Orleans, Mitch Landrieu, Stacy Head, Jason Rogers Williams, Susan G. Guidry, Latoya Cantrell, Nadine M. Ramsey, Jared C. Brossett

TOPICS

class actions municipal law remedies appellate procedure standard of review

PRACTICE AREAS

class actions civil procedure municipal law remedies appellate procedure

QUESTIONS PRESENTED

1. Whether the district court improperly conflated the numerosity and definable-class requirements for class certification with individualized proof of fraud, reliance, causation, and damages.
2. Whether payment under a standardized municipal enforcement program constitutes an objectively identifiable economic injury sufficient to establish a definable group of aggrieved persons and impracticable joinder.
3. Whether the remaining commonality, typicality, adequacy, predominance, and superiority requirements should be evaluated after numerosity is established.
4. Whether individualized issues of reliance, causation, prescription, and damages may be reserved for later phases of a certified class action.

HOLDINGS

1. In the dissent's view, the district court erred as a matter of law by requiring individualized proof that each proposed class member read and relied on specific portions of the Notices of Violation or Affidavits of Non-Liability at the certification stage. Those questions concern the merits of fraud and causation, not the numerosity inquiry.
2. The dissent would hold that the proposed class of persons and entities who received Automated Traffic Enforcement System notices and paid fines, fees, civil penalties, costs, or related amounts was an objectively defined group of aggrieved payors and was sufficiently numerous to make joinder impracticable.
3. The dissent would hold that the legality, design, and administration of the uniform Automated Traffic Enforcement System presented common questions capable of driving the resolution of the litigation, while individualized reliance, causation, prescription, and damages could be reserved for later proceedings.

KEY QUOTATIONS

“Class certification is a procedural determination. It does not decide “whether the plaintiffs may prevail on the merits.”” (at 1)

“By insisting that plaintiffs, at the certification stage, prove “the number of persons” who actually read the alleged misstatements and relied on them in paying their fines, the district court and now the majority convert Article 591(A)(1)’s numerosity requirement into a trial on the merits on reliance.” (at 2)

“The undisputed evidence of a single, standardized enforcement program that generated over 800,000 citations and \$88 million in payments by persons who fall within an objectively defined class suffices to show that there exists a definable group of aggrieved payors and that joinder is impracticable.” (at 8)

FACTUAL BACKGROUND

New Orleans's Automated Traffic Enforcement System allegedly generated more than 800,000 citations and collected more than \$88 million in fines, fees, and civil penalties since 2007. Plaintiffs challenged the standardized use of Notices of Violation, Affidavits of Non-Liability, and Affidavits of Reliability, alleging that the program omitted mandatory defenses, misstated NOPD review and camera calibration procedures, and violated legal and constitutional requirements. The proposed class consisted of persons and entities who received an Automated Traffic Enforcement System notice and paid a fine, fee, civil penalty, cost, or related payment.

PROCEDURAL HISTORY

The action had been pending for nearly a decade, with multiple plaintiffs added and dismissed over time. The district court denied class certification, apparently on numerosity and definability grounds, emphasizing the absence of proof that proposed class members read and relied on alleged misrepresentations. The appellate majority affirmed solely on numerosity; Judge Lobrano would have reversed and remanded for certification of an appropriately defined class.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The dissent would reverse and remand with instructions to certify an appropriately defined class of persons and entities who, from February 2007 forward, received Notices of Violation under the ATEs Ordinance and paid civil penalties or related fees, and to enter a case-management order phasing common liability issues while preserving individualized questions of reliance, causation, prescription, and damages for later proceedings. The actual majority disposition was affirmance.

CASES CITED

- Doe v. S. Gyms, LLC, 12-1566, 12-1572, 12-1580 (La. 3/19/13), 112 So. 3d 822
- Price v. Martin, 11-0853 (La. 12/6/11), 79 So. 3d 960
- Albe v. City of New Orleans, 14-1013 (La. App. 4 Cir. 7/29/15), 174 So. 3d 212
- Chiarella v. Sprint Spectrum, LP, 04-1433 (La. App. 4 Cir. 11/17/05), 921 So. 2d 106
- McMahon v. City of New Orleans, 18-0842-46 (La. App. 4 Cir. 9/4/19), 280 So. 3d 796

- Wal-Mart Stores, Inc. v. Dukes, Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 350, 131 S. Ct. 2541, 2551, 180 L. Ed. 2d 374 (2011)

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