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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

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U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
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UNITED STATES OF AMERICA

CRIMINAL DOCKET NO. 01-010
LORETTA G. WHYTE
CLERK

v.

SECTION C MAG. 4

ROBERT J. BRUNET

VIOLATION 21 U.S.C. §846
21 U.S.C. §856 (a)(2)
18 U.S.C. §2

* * *

MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE
INTERNATIONAL ASSOCIATION OF ASSEMBLY MANAGERS
IN SUPPORT OF DEFENDANT

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March 6th, 2001

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* * *

MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE

The International Association of Assembly Managers, Inc. respectfully moves for leave to file a brief as amicus curiae in support of Defendant, ROBERT J. BRUNET.

Assistant United States Attorney, Albert J. Winters, Jr., has not consented to the International Association of Assembly Managers (“IAAM”) filing an amicus brief, but explained that the case will be dismissed and more extensive charges will be filed against the defendant. Mr. Brunet has consented to IAAM’s participation as amicus curiae in this case.

IAAM is a not-for-profit, 501 (c) tax-exempt organization incorporated in the State of Illinois. IAAM’s membership includes approximately 3,000 managers of stadiums, arenas, convention centers, amphitheaters and performing arts centers (“facility managers”). Since its founding in 1924, IAAM has been dedicated to improving the performance, education, professionalism and effectiveness of facility managers. The IAAM members operate facilities that represent investments of billions of dollars of public and private funds. These facilities attract hundreds of millions of patrons each year to a variety of professional and amateur events including football, baseball, hockey,

music concerts, theatrical productions to annual conventions and tradeshow. IAAM members, officers, and staff favor strict drug laws, deterring drug use at their facilities and enforcing existing drug laws, but do not support criminal penalties against facility managers and potential forfeiture of their facilities for the criminal behavior of patrons.

The United States District Court Indictment for Violation of the Federal Controlled Substances Act and the prosecution for alleged violations of 21 U.S.C §846, 21 U.S.C. §856 (a)(2) and 18 U.S.C. §2 in this case involves multiple incidents of drug sales and use during a “Rave” dance party at the State Palace Theater. Robert Brunet has not, nor have any of his co-defendants, been charged with personally engaging in the sale, distribution, or ingestion of controlled substances. Mr. Brunet has been charged with a felony based on admissions that drug use occurs during such Rave dance parties, and on allegations that he operated his facility in such a way to facilitate or accommodate those using MDMA, also known as Ecstasy and other so-called “club drugs”. Conviction of these charges would allow the United States to seek forfeiture of the facility under 21 U.S.C. §853(a)(2) and (3).

The legal issues presented herein largely center around the duties of a public assembly facility manager to respect the Constitutional rights of patrons under the First and Fourth Amendments, and the responsibility of facilities for the criminal acts of third parties. Criminal prosecution of facility managers for acknowledged drug use at their facilities leads to serious questions regarding Constitutional rights to Freedom of Assembly, Freedom of Speech, and Fourth Amendment Search and Seizure duties in enforcing a zero tolerance drug policy. Due to the fact many facilities are owned by municipalities and state agencies, the question of equal protection, selective enforcement,

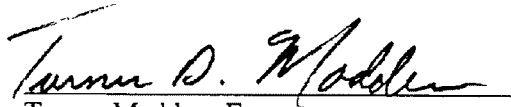
and even 11th amendment immunity for States under the crack house provisions may be implied, since it could lead easily to the prosecution of many state employees and forfeiture of state-owned property to the federal government. If Mr. Brunet is successfully prosecuted as indicted, this will lead to a major upheaval in the public assembly facility industry, and necessitate a dramatic change in the practice and policies followed by facilities throughout the country. These issues threaten to subject many more facilities and their managers to criminal prosecution and potential criminal forfeiture over the basic and rather well settled question of the liability of business owners for the criminal acts of third parties. For these reasons, IAAM has a clear interest in the outcome of this litigation. Any decision by the United States District Court for the Eastern District of Louisiana in this case concerning the criminal liability of managers for the drug offenses of their patrons, the provision of adequate safety and crowd control, and facility's general liability for the criminal acts of third parties, will affect IAAM members throughout the State of Louisiana and may affect members in other states due to the watershed importance of the issues and the great respect and deference in which the Court is held. In this way, the decision of this Court will directly affect the policies and operations of all public assembly facilities across the country and their ongoing effort to provide safe and enjoyable entertainment experiences for all patrons.

For these reasons, IAAM has a clear interest in the outcome of this litigation. Additionally, IAAM may provide this Court with insights into the practical effects of the indictment and potential conviction of Robert J. Brunet, a public assembly facility manager, on the Industry. Additionally, IAAM may provide this Court with multi-jurisdictional case law specific to public assembly facilities, their duties, responsibilities,

and limitations on liability as they currently exist in respect to the industry standards of safe operation of Public Assembly Facilities, and how these standards and duties are in direct conflict with the evidentiary basis of the current indictment of Robert J. Brunet.

For these reasons, IAAM respectfully moves that this Court grant IAAM leave to file an amicus curiae brief.

Respectfully Submitted,



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Counsel for Amicus Curiae
International Association of Assembly Managers

Certificate of Service

I hereby certify that a true copy of the foregoing Brief In Support Of Defendant's Motion To Dismiss was mailed postage pre-paid this 6th day of March, 2001 to the following parties:

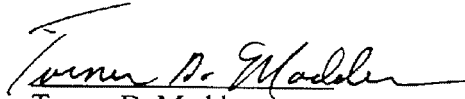
United States Attorney, Eddie J. Jordan, Jr., Hale Boggs Federal Building, 501 Magazine Street, Second Floor, New Orleans, LA

Assistant United States Attorney, Albert J. Winters, Hale Boggs Federal Building, 501 Magazine Street, Second Floor, New Orleans, LA

Counsel for the Defendants, Frank DeSalvo, 201 S. Galvez, New Orleans, LA

ACLU Drug Policy Litigation Project, Graham Boyd, Attorney, 160 Foster Street, 3rd Floor, New Haven, CT 06511.

General Counsel for the International
Association of Assembly Managers, Inc.



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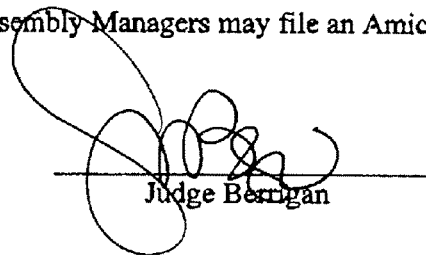
ORDER

The International Association of Assembly Managers has filed a Motion for Leave to file a brief as Amicus Curiae on behalf of defendant Robert Brunet, a public assembly facility manager. In consideration of the possible constitutional issues in this case:

Moot

IT IS HEREBY ORDERED:

That the International Association of Assembly Managers may file an Amicus Curiae Brief with this Court.



Judge Berrigan

New Orleans, Louisiana
Date: *March 9, 2001*

Copies to be mailed to:

United States Attorney, Eddie J. Jordan, Jr.
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501 Magazine Street, Second Floor
New Orleans, LA 70130

Assistant United States Attorney, Albert J. Winters
Hale Boggs Federal Building

** This matter has been dismissed without prejudice.*

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