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FEDERAL JUDGE ISSUES INJUNCTION AGAINST MINNESOTA STATE PATROL

September 21, 2011. St. Paul, Minnesota. U.S. District Court Judge Donovan W. Frank issued an injunction today restraining members of the Minnesota State Patrol (MSP) from violating the Fourth Amendment rights of commercial truck drivers in connection with fatigue inspections. This litigation challenged the practice of the Minnesota State Patrol to ask truck drivers a litany of personal questions, that the Patrol asserted could identify driver fatigue, as a routine part of their truck inspections. The questions the MSP asked drivers included: what was their neck size, whether they have reading materials in their truck, how often they urinated at night, whether they have pets in their truck, how was their family life, and did they have any financial stress. (A copy of one of these checklists is attached) The injunction was issued in a case filed by The Cullen Law Firm, PLLC, of Washington, DC, on behalf of the Owner Operators Independent Drivers Association, Inc. (OOIDA) of Grain Valley, Missouri and Steven K. House, a commercial truck driver.

Judge Frank held that MSP enforcement personnel operating without a warrant may not launch fatigue investigations of a commercial vehicle drivers without reasonable articulable suspicion, they must inform drivers of the purpose of the inspection when asked, and that drivers are not required to answer their questions. Judge Frank declined to establish a specific standard under which fatigue could be identified. He clearly found, however, that the standards used by the Minnesota State Patrol when confronting Plaintiff House and currently used in officer training

involved “unprofessional and misguided inquiries that properly trained troopers....simply would not make.”

“Judge Frank’s finding was a significant rebuke of the fatigue inspection program used against drivers by the Minnesota State Patrol” said Paul D. Cullen, Sr. counsel the plaintiffs in this litigation. “Our client was exposed to humiliating questions about his neck size, bathroom habits, reading materials (did he have Playboy magazines in his truck?), etc. none of which had the slightest bearing on fatigue,” noted Cullen. “It was an honor to represent Steven House and OOIDA in challenging such flagrant police abuse. This case will go a long way to restoring dignity to hardworking Americans who deserve the full protection of the U.S. Constitution” said Cullen. “It should also serve as a warning to other enforcement agencies that professional drivers are prepared to act to protect themselves from police abuse.”

The OOIDA lawsuit was filed under 42 U.S.C. §1983 which permits federal court to award declaratory and injunctive relief as well as damages against individuals who violate a person’s constitutional rights while acting under the color of state law. The plaintiffs in the OOIDA lawsuit did not seek money damages. Judge Frank’s order directed the plaintiffs to file a motion for attorneys’ fees. A copy of the September 21, 2011 Judgment is available at

http://www.cullenlaw.com/docs/09.21.11_Minnesota_Order_for_Declaratory_Relief_Injunction_and_Entry_of_Judgment.pdf

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