

FILED FOR RECORD
ST. JAMES PARISH, LA
2025 JAN -6 AM 10:02
CLERK OF COURT

**23RD JUDICIAL DISTRICT COURT
PARISH OF ST. JAMES
STATE OF LOUISIANA**

DOCKET NO.: 39,413

DIVISION "C"

**GENEVIEVE BUTLER, PASTOR HARRY JOSEPH, SR. RISE ST. JAMES, and THE
LOUISIANA BUCKET BRIGADE**

VERSUS

**ST. JAMES PARISH, the ST. JAMES PARISH COUNCIL, and the ST. JAMES PARISH
PLANNING COMMISSION**

JAN 06 2025

JUDGMENT WITH WRITTEN REASONS

I. PROCEDURAL POSTURE

This matter came before the Court for a bench trial pursuant to Plaintiffs' Petition, filed July 13, 2019, seeking declaratory and injunctive relief regarding Defendants' alleged violation of Louisiana's Opening Meetings Law. Following a bench trial on October 19 and November 25, 2024, this Court allowed counsel to submit post-trial briefs by December 13, 2024. This matter was subsequently taken under advisement by the Court.

II. ARGUMENTS OF THE PARTIES

a. BUTLER, ET AL.

The Plaintiffs allege violations of Louisiana's Open Meetings Law ("OML"). Specifically, Plaintiffs allege that on May 14, 2019, Defendants violated the OML when members totaling a quorum of both the St. James Parish Council and St. James Planning Commission attended secret back-to-back "informational sessions," closed to the public, to receive information and ask questions of legal and environmental advisors to the Parish and representatives of Wanhua, regarding a land-use permit for a proposed chemical facility in Convent, Louisiana.

Plaintiffs' position is that this was a meeting under the OML and, therefore, was required to be open to the public. La. R.S. § 42:14(A). Alternatively, Plaintiffs' position, in the event this Court does not find the back-to-back session to constitute a meeting under the OML definition, is that such sessions constitute a type of "walking quorum," a well-recognized procedural mechanism

to circumvent the OML's intent that "public business be performed in an open and public manner."

La. R.S. § 42:12(A). (pg. 1-2 of pretrial brief).

b. ST. JAMES PARISH, ET AL.

Defendants' position is that the notice requirements of the Open Meetings Law only applies once a quorum of a public body is convened and therefore, the two, consecutive informational sessions did not violate the OML because there was no quorum of the St. James Parish Council or the St. James Planning Commission present at either session on May 14, 2019. Furthermore, Defendants aver that La. R.S. § 42:12(A) was not violated because the statute only prohibits public bodies from "utilizing any manner of proxy voting, secret balloting, or any other means to circumvent the intent of this Chapter" and that there was no proxy voting, actual voting, secret balloting, polling or decision-making of any kind carried out at either session. Rather, Defendants claim that its intent was to ensure strict compliance with the OML.

Further, Defendants aver that that a finding in favor of the Plaintiffs would be a departure from the plain language of the Open Meetings Law in that only meetings with a quorum are subject and that it does not prohibit less than a quorum of a public body from receiving information.

III. LAW

a. LOUISIANA'S OPEN MEETINGS LAW

Title 42, Chapter 1-A of the Revised Statutes contain Louisiana's Open Meetings Law. The public policy regarding the Open Meetings Law is set forth in La. R.S. 42:12 which provides:

A. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of this Chapter shall be construed liberally.

B. Further, to advance this policy, all public bodies shall post a copy of this Chapter.

The definitions for this chapter are set forth in La. R.S. 42:13(A), which define a meeting, public body, and quorum as follows:

(2) "Meeting" means the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power.

(3) "Public body" means village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in this paragraph.

(4) "Quorum" means a simple majority of the total membership of a public body.

The requirements for meetings are set forth in La. R.S. 42:14 which states "[e]very meeting of any public body shall be open to the public unless closed pursuant to La. R.S. 42:16, 17, or 18.¹ Further, "(e)ach public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of this Chapter."

Lastly, the remedies under the Open Meetings Law are set forth in La. R.S. 42:26 which provides:

A. In any enforcement proceeding the plaintiff may seek and the court may grant any or all of the following forms of relief:

- (1) A writ of mandamus.
- (2) Injunctive relief.
- (3) Declaratory judgment.
- (4) Judgment rendering the action void as provided in R.S. 42:24.
- (5) Judgment awarding civil penalties as provided in R.S. 42:28.

B. In any enforcement proceeding the court has jurisdiction and authority to issue all necessary orders to require compliance with, or to prevent noncompliance with, or to declare the rights of parties under the provisions of this Chapter. Any noncompliance with the orders of the court may be punished as contempt of court.

C. If a party who brings an enforcement proceeding pursuant to R.S. 42:25 prevails, the party shall be awarded reasonable attorney fees and other costs of litigation. If such party prevails in part, the court may award the party reasonable attorney fees or an appropriate portion thereof.

¹ No evidence was presented demonstrating the applicability of the provisions of La. R.S. 42:16-18 to the facts of this case.

D. If the court finds that the proceeding was of a frivolous nature and was brought with no substantial justification, it may award reasonable attorney fees to the prevailing party.

IV. ANALYSIS

a. INTRODUCTION

On or about May 14, 2019, and the central issue of this instant matter, two back-to-back “informational sessions” were held by certain members of the St. James Planning Commission (“Planning Commission”) and St. James Parish Council (“Parish Council”) regarding a Land Use Application (“Application”) submitted by Wanhua Chemical US Operations, LLC (“Wanhua”). Representatives of Wanhua were also present at both informational sessions. According to the Stipulation filed into the record on August 21, 2020, the following persons attended one of the two informational meetings held on May 14, 2019, in St. James Parish, regarding the Wanhua Application:

FIRST MEETING: Planning Commissioners Anthony Boudreaux, Arthur Matherne, Dean Millet, and Wilson Malbrough; Parish Council Members Alvin St. Pierre, Eddie Kramer, and Jason Amato.

SECOND MEETING: Planning Commissioners Glenn Millet and Jon Hotard; Parish Council Members Ryan Louque and Clyde Cooper.

ATTENDING BOTH MEETINGS: Wanhua representatives James Newport, William Day, Joyce Williams, Sr., and an unknown engineer with Wanhua; St. James Parish Director of Operations Blaise Gravois; St. James Parish environmental consultant Bliss Higgins; and St. James Parish special counsel Vic Franckiewicz.

The St. James Ordinance requires approval of Land Use Plans from the Planning Commission when, among other things, the application includes non-residential development which exceeds 10,000 square feet of building area or sites 3 acres or more or includes “any commercial or industrial development requires a state or federal permit for air, water, solid waste, hazardous materials...”. St. James Parish Code of Ordinances, Section 86-37. Furthermore, the Ordinance requires approval by the Parish Council on appeal of these applications.

On December 27, 2018, the Planning Commission held a regular meeting in which Wanhua’s Application was first discussed. Further, the minutes of the meeting states that the

"[a]pplicant will present full Land Use application at the January 28, 2019, meeting." Furthermore, two public hearing dates were carried and set for February 6, and February 20, 2019. At the January 28 meeting, Jim Newport, a Wanhua representative, gave a presentation on Wanhua's Application for the building of a grass root polyurethane facility which would produce methylene diphenyl diisocyanate and ethylene dichloride. Upon conclusion of the presentation, the motion to send Wanhua's Application to Parish Council for two public hearings was carried.

On February 6, 20219, Blaise Gravois, St. James Parish Director of Operations, informed the Parish Council of the hearing dates previously recommended by the Planning Commission. The Parish Council, in response, set a Public Informational Meeting for February 20, 2019. Based on the meeting minutes, the first Public Informational Meeting was subsequently held on February 25, 2019, with a total of fourteen public comments made after Mr. Newport's presentation. On March 25, 2019, the second Public Informational Meeting was held, with an additional twenty-three public comments made at the same. Additionally, at the March 25 meeting, Councilman Dean Millet raised concerns regarding why "some of the chemicals that are listed in the environmental report but was [sic] not listed on the parish application." The Planning Commission thereafter agreed to table the Application until April 29, 2019, pending receipt of the final environmental statement.

On April 26, 2019, counsel for Petitioners submitted written comments to the Planning Commission opposing the Wanhua Application. The written comments urged the Planning Commission to deny the Application based on Wanhua's failure to provide a listing of certain residential areas within the proposed project's "Impact Area" and fails to describe "any potential physical or environmental impacts on air, water, or land caused by the Proposed Project in Wanhua's Environmental Assessment." Subsequently, at the April 29, 2019 meeting, nine public comments were made not in favor of Wanhua's Application. However, the Application was previously tabled until May 20, 2019, prior to the start of the meeting.

On May 20, 2019, an additional eight public comments against and one public comment in favor of Wanhua were made at the meeting. After public comments were made, the Planning Commission voted on whether to approve Wanhua's Land Use Application. Eight of the ten

Planning Commission members were in attendance. Planning Commission members Anthony Boudreaux, Arthur Matherne, Jon Hotard, Wilson Malbrough, and Glen Millet voted in favor of approving Wanhua's Land Use Permit. Planning Commission Members Dean Millet, Johnny Lawrence, and Ralph Becnel voted against the approval. Based on the five-three vote, Wanhua's Land Use Permit was approved.

Thereafter, on July 18, 2019, Plaintiffs filed this instant Petition. On July 10 and July 24, 2019, two public meetings were held by the Parish Council on appeal. At such time, and in light of new information, the Parish Council remanded the Application to the Planning Commission to render another decision in light of the new information received. However, Wanhua withdrew its application in early September 2019, prior to the Planning Commission rendering a new decision. Consequently, Plaintiffs voluntarily dismissed its claims seeking to reverse or vacate the grant of Wanhua's Land Use Permit. Therefore, Plaintiffs' remaining claims request a declaration that Defendants violated the Open Meetings Law, a permanent injunction to prevent future violations, and an award of attorney fees under La. R.S. 42:26(C).

b. MEETING

To establish Defendants violated the Open Meetings Law, Plaintiffs have the burden of proving by a preponderance that: (1) a meeting was convened under La. R.S. 42:13, and (2) the meeting was not opened to the public as required by La. R.S. 42:14. Certain criteria must be satisfied to find a meeting occurred under La. R.S. 42:13(A)(2); namely, a public body, with authority of the matter, convened to deliberate, act or receive information on that matter with a quorum present.

First, the Court finds that the St. James Parish Planning Commission is a public body with decision-making authority regarding Wanhua's Application. The Planning Commission had jurisdiction over Wanhua's Application as the proposal involved a 250-acre agricultural site designated as industrial under the Land Use Plan, and the facility required a state air permit. Additionally, in conformity with the St. James Ordinances, the Planning Commission's Agenda for the April 29, 2019, affirmed such authority, that "[u]nder Section 86-37(f), the St. James Parish

Planning Commission had decision-making authority over the proposed [Wanhua] facility.” (Ex 16. Parish – 001579). The Parish Council is also a public body with supervision authority on the matter as the St. James Ordinances grant the Council appellate jurisdiction over Land Use Applications.

Next, Defendants note that Blaise Gravois was not a member of the Planning Commission nor a Councilmember, and therefore argue that the convening of the informational sessions does not fall within the definition of meeting under La. R.S. 42:13(A). Although there is not a set definition for public “official” under Title 42, La. R.S. 42:1 provides definitions for public office and a public officer.²

The St. James Director of Operations, among other responsibilities, has a duty to supervise and administer parish planning and engineering.³ Additionally, the Director of Operations was established by law and is appointed by the Parish President, subject to approval by the Parish Council.⁴ Moreover, the testimony and evidence adduced at trial establish Mr. Gravois’s extensive involvement with the Planning Commission and Wanhua’s Land Use Application. The Parish went so far as to designate Mr. Gravois as its representative at trial in this matter. Therefore, this Court finds for all intents and purposes, Mr. Gravois falls within the meaning of “public official” for purposes La. R.S. 42:13(A) as it relates to this case.

Next, it is apparent that there was no quorum present at either of the two informational meetings on May 14, 2019. At all times relevant to this lawsuit, the Planning Commission consisted of ten members and the Parish Council consisted of seven members. On May 9, 2019, Mr. Gravois directed Parish Administrative Staff to send the following notice by email to all Councilmembers and Planning Commission members:

Members of the Planning Commission and Parish Council. Wanhua Chemical application is on the May 20, 2019 Planning Commission agenda for "Consideration for Approval"

² La. R.S. § 42:1 (As used in this title, the term “public office” means any state, district, parish or municipal office, elective or appointive, or any position as member on a board or commission, elective or appointive, when the office or position is established by the constitution or laws of this state. “Public officer” is any person holding a public office in this state.).

³ Home Rule Charter of St. James Parish, art. III. (C)(5)(a)(iii).

⁴ Home Rule Charter of St. James Parish, art. III. (B)(3)(b)(i).

Vic Franckiewicz (Parish legal counsel) Bliss Higgins (Parish Environmental Consultant) and Blaise Gravois (Operations Director) have been meeting with Wanhua on their application.

Questions from Planning Commission members have been addressed in these meetings, and I would like to inform each member on any and all information received on behalf of Wanhua application.

I am offering this Informational Meeting to allow Planning Commission members and members of the Parish Council to hear the results of these meetings and have the opportunity to ask your own Questions so everyone can be clear on the decision that has to be made. This is an Informational meeting only, no decisions will be made at this meeting, this meeting is for invited guest only, not open to the public.

We cannot have a quorum of the Planning Commission or the Parish Council. I am asking those that can attend to please confirm ASAP. Pick the 6pm or 7 pm time slot. I will close a time slot when filled and move to the other time slot as needed. Vic. Bliss, and myself will be there to address any questions.

The email notice included a sign up that provided only four slots for Planning Commission members and three slots for Councilmembers. Indeed, there were only four Commission members and three Councilmembers at the six o'clock meeting and two Commission members and two Councilmembers at the seven o'clock meeting. As such, a quorum could not have been present simultaneously as a simple majority would have required six or more members of the Planning Commission or four or more members of the Parish Council.

c. WALKING QUORUM

Without a quorum present, Plaintiff's remaining contention is that the organization of the consecutive meetings constituted a type of "walking quorum" in violation of La. R.S. 42:14 (B). To that end, the prohibition on "any other means to circumvent the intent" of the Open Meetings Law includes a procedural maneuver known as a "walking quorum". A "walking quorum" is a meeting of a public body where different members leave the meeting and different members enter the meeting so that, while an actual quorum is never physically present, an actual quorum during the course of the meeting participates in the discussion.⁵ A "walking quorum" in violation of the Open Meetings Act occurs if members of the governmental body gather in numbers that do not physically constitute a quorum at any one time but who, through successive gatherings, secretly

⁵ *Mabry v. Union Par. Sch. Bd.*, 42,856 (La. App. 2 Cir. 1/16/08), 974 So.2d 787, 789.

discuss a public matter with a quorum of the body with the intent to circumvent the Open Meetings Law as prohibited by La. R.S. 42:14 B.⁶

At trial, Planning Commission member, Dean Millet, former Councilmember Clyde Cooper, and Mr. Gravois testified regarding the informational sessions. Mr. Gravois testified that he directed the invite for the back-to-back meetings be sent to all members of the Planning Commission and Parish Council. He also directed the invitation be resent days later to ensure all members received the invite and thereafter, confirmed their attendance. Furthermore, Mr. Gravois testified that an “informational” presentation on Wanhua’s application was made and available to all public officials that were in attendance. Such presentation included a list of specific concerns to be discussed at such meetings. Mr. Millet and Mr. Cooper testified that they were not asked how they planned on voting on Wanhua’s Application, they did not discuss how they planned on voting on the application, and that they did not participate in any informal polls about their voting preferences.⁷

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court finds that Plaintiffs established by a preponderance that the Planning Commission and Parish Council intentionally structured meetings to avoid a quorum, while ensuring successive meetings allowed all members to learn, discuss, and inquire privately, so they could “be clear on the decision to be made.” Furthermore, the meetings were not noticed to the public as evidenced by Mr. Gravois’ email which stated that the sessions were invite only and were “not open to the public.” At trial, Mr. Gravois confirmed that his email instructions were complied therewith and no uninvited guests, i.e. the public, were in attendance at the meetings. Notice was not published on the Parish’s website nor the door of the either Council’s chambers, nor on the door of the Convent Community Center, the location where the meetings were held. Although Mr. Gravois testified that the doors to the building were not locked, the public did not receive notice of these meetings until months later, in response to a public records request. Additionally, there

⁶ *Butler v. St. James Parish*, 23-205, p.2 (La. App. 5 Cir. 7/26/23) (citing La. Atty. Gen. Op. No. 19-128 (7/20/20), 2020 WL 4530384).

⁷ Important to note that Mr. Cooper, as Parish Councilmember, could not have voted to approve Wanhua’s Application at the May 20, 2019 Planning Commission meeting.

was no meeting to apprise the public of the information obtained or deliberations had at the meetings prior to the Planning Commissions' vote to conditionally approve the Land Use Permit on May 20, 2019.

Additionally, the Court finds that these consecutive meetings do not constitute a "chance meeting" or "social gathering" to fall under the exceptions to the Open Meetings Law.⁸ The intent of the meetings, as evidenced by Mr. Gravois' email and testimony, was to assist the Planning Commission and Parish Council in making their decision regarding Wanhua's Application, outside the presence of the public. The meetings were pre-arranged, not by happenchance, with an attendance list and presentation prepared in advance. Furthermore, the meetings regarded a specific matter – Wanhua's Application listed on the Planning Commission's agenda six days later – not a casual pizza dinner or other social event. Further, the meetings included representatives and advisors from Wanhua to answer any questions the Planning Commission or Parish Council had regarding its Application.⁹

Based on a thorough review of the record and testimony, the Court finds that the Defendants violated La. R.S. 42:14, as the successive meetings held with members of the Planning Commission and Parish Council, outside the purview of the public, constitutes a walking quorum. The actions take, considering the public opposition to the Land Use Permit during such time, circumvented the intent of the Open Meetings Law as citizens of St. James were not afforded the opportunity to be present whilst Wanhua's Application was being discussed by Commission and Council members. Additionally, the Court notes the minutes of the Parish Council meeting on July 24, 2019, in which Councilman Amato provides, "he could support sending [Wanhua's Application] back to the Planning Commission with one request: that a full proper respect for the quorum is exhibited in every meeting."¹⁰ The only evidence established at trial contravenes the purpose of the OML, which is to ensure "that public business be performed in an open and public

⁸ La. R.S. § 42:13(B).

⁹ *Mabry, supra*, at 789.

¹⁰ Defendant's Exhibit 13 (Motion to Remand Wanhua's Land Use Permit Application was carried).

manner" so that "citizens can be advised of an aware of the performance of public officials and the deliberations that go into making of public policy."¹¹

While the Court finds that the Open Meetings Law was violated, the Court does not find that the meetings were nefarious or held with ill-intent. The testimony of the witnesses who organized and attended the meetings believed this form of meeting was necessary in order to gain a better understanding of the nature of the project and its impact on the community. It is clear, however, that the Open Meeting Law does not require a finding of bad faith to effect violations of the law.

VI. REQUESTED RELIEF

Plaintiffs' request declaratory and injunctive relief, pursuant to La. R.S. 42:26, which sets forth the appropriate remedies for a violation of the Open Meetings Law.

a. PROHIBITORY INJUNCTION

First, Plaintiffs' request the Court to issue a prohibitory injunction for a period of at least two years to prohibit St. James Parish Council or St. James Planning Commission from holding meetings that circumvent the intent of the Open Meetings Law without public notice and public involvement.

Under La. C.C.P. art. 3601, "[a]n injunction shall issue in cases where irreparable injury, loss or damage may otherwise result to the applicant, or in other cases specifically provided by law." An injunction is a harsh, drastic and extraordinary remedy, and should only be issued where the mover is threatened with irreparable loss or injury without adequate remedy at law.¹² The primary purpose of injunctive relief is to prevent the occurrence of future acts that may result in irreparable injury, loss or damage to the applicant.¹³ Specifically, a "prohibitory injunction" is one that seeks to restrain conduct; a "mandatory injunction," on the other hand, commands the doing

¹¹ La. R.S. § 42:12(A).

¹² *Lafreniere Park Found. v. Friends of Lafreniere Park, Inc.*, 97-152 (La. App. 5 Cir. 7/29/97), 698 So. 2d 449, 452 writ denied, 97-2196 (La. 11/21/97), 703 So. 2d 1312.

¹³ *Dynamic Constructors, L.L.C. v. Plaquemines Par. Gov't*, 2015-0271 (La. App. 4 Cir. 8/26/15), 173 So. 3d 1239,

of some action and cannot be issued without a hearing on the merits.¹⁴ A permanent injunction is issued after trial and is an extraordinary remedy appropriately ordered only to prevent damage that is likely to occur in future, rather than to punish for past damage.¹⁵

This Court finds that the Plaintiffs failed to establish any irreparable harm or injury would result in the absence of injunctive relief. At trial, testimony concerned the past actions of the Planning Commission and Parish Council, however, there was no evidence established to support the contention that Plaintiffs would endure irreparable harm in the future if this Court did not restrain the Planning Commission or Parish Council from committing future violations. Moreover, although this Court does not believe Defendants were in bad faith whilst planning these consecutive meetings, the Court does not find that the Defendants did not fully recognize the procedural errors of its conduct.

The Defendants sought to obtain more information on Wanhua's Application without interruption, and such actions taken over six years ago, were in violation of the Open Meetings Law. Based upon the Court's finding that Defendants actions constituted a "walking quorum" in violation of the Open Meetings Law, the existing law prohibits such actions from being taken in the future. Therefore, the Court denies the Plaintiff's request for injunctive relief.

b. DECLARATORY RELIEF

Next, Plaintiffs seek declaratory relief. The scope of a declaratory judgment pursuant to La. C.C.P. art. 1871 is as follows:

Courts of record within their respective jurisdictions may declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for; and the existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it is appropriate. The declaration shall have the force and effect of a final judgment or decree.

¹⁴ *Constr. Diva, L.L.C. v. New Orleans Aviation Bd.*, 2016-0566 (La. App. 4 Cir. 12/14/16), 206 So. 3d 1029, writ denied, 2017-0083 (La. 2/24/17).

¹⁵ *Davas v. Saia*, 2023-0090 (La. App. 4 Cir. 10/6/23), 376 So. 3d 288.

This judgment shall serve as a declaration of the rights between the parties, and specifically outlines and clarifies the Defendant's obligations under La. R.S. 42:14. The Defendants are now well aware of the concept and application of a "Walking Quorum" as it relates to La. R.S. 42:14. Future non-public meetings of the Council should be scheduled and attended with an understanding of the law as interpreted by Louisiana Courts.

c. CIVIL PENALTIES

Next, members of public bodies who violate the Open Meetings Law are subject to civil penalties in certain circumstances. More specifically, La. R.S. 42:26 outlines the following:

Any member of a public body who knowingly and wilfully participates in a meeting conducted in violation of this Chapter shall be subject to a civil penalty not to exceed five hundred dollars per violation. The member shall be personally liable for the payment of such penalty. A suit to collect such penalty must be instituted within sixty days of the violation.

While the Court finds that the Opening Meetings Law was violated because of the application of the jurisprudentially created "Walking Quorum" definition, the Court does not find that any member of the Parish Council "knowingly and willfully" violated the law. The fact that the invitational email expressed a desire not to violate the Opening Meetings Law by avoiding a quorum and the meetings were scheduled intentionally so as not to create a quorum evidences the fact that individual Council members lacked the requisite intent to "knowingly and willfully" violate the law. Therefore, the Court will not impose penalties in this matter.

d. ATTORNEY FEES AND COSTS

Plaintiffs further seek attorney fees and costs associated with this litigation. No evidence supporting an award of fees and costs was presented at trial. The Court will entertain a fee application and demand for costs consistent with La. R.S. 42:26 C upon the filing of a Motion to Fix Fees and Costs if they choose to further pursue same.

e. JURIDICAL CAPACITY

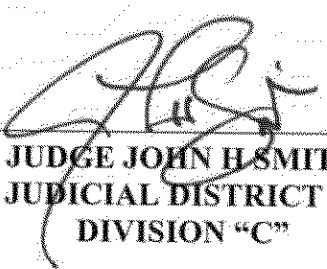
St. James Parish, St. James Parish Council and St. James Planning Commission were all made defendants in this matter. No exceptions were filed to clear up any issues with respect to

juridical capacity to be sued. Obviously, the Council and Commission cannot exist without the authority of the Parish. Under the unique circumstances of this case, involvement of the three distinguishable defendants, as well as the nature of the applicable law, it is appropriate to apply the judgment to all three "entities". It may be critical to isolate the three under different legal circumstances, but not so in this particular case. Because all three defendants are subject to the applicable law and violated the Open Meetings Law to some degree, the judgment will have its best effect and application if it is expressed against all defendants.

VII. CONCLUSION

After considering the facts of this case, the applicable law, and the evidence adduced at trial, this Court GRANTS Plaintiff's Petition for declaratory relief. Plaintiffs presented sufficient evidence to establish that the consecutive meetings convened on May 14, 2019, with the St. James Planning Commission and St. James Parish Council, outside the purview of the public, violated the Open Meetings Law under La. R.S. 42:11, et seq. This Court DENIES Plaintiffs' Petition for injunctive relief as Plaintiffs failed to establish at trial that irreparable harm would occur in absence of an injunction. Plaintiff counsel may apply for attorney fees and costs consistent with this judgment.

THUS DONE AND SIGNED at Gonzales, Louisiana, this 2nd day of January, 2025.



JUDGE JOHN H. SMITH
23RD JUDICIAL DISTRICT COURT
DIVISION "C"

NOTICE ALL COUNSEL OF RECORD

2025 JAN -6 AM 10:02

CLERK OF COURT

**23RD JUDICIAL DISTRICT COURT
PARISH OF ST. JAMES
STATE OF LOUISIANA**

BY: _____

DOCKET NO.: 39,413

DIVISION "C"

**GENEVIEVE BUTLER, PASTOR HARRY JOSEPH, SR. RISE ST. JAMES, and THE
LOUISIANA BUCKET BRIGADE**

VERSUS

**ST. JAMES PARISH, the ST. JAMES PARISH COUNCIL, and the ST. JAMES PARISH
PLANNING COMMISSION**

JUDGMENT

JAN 06 2025

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that judgment IN FAVOR of Genevieve Butler, Pastor Harry Joseph, Sr., Rise St. James, and The Louisiana Bucket Brigade, and AGAINST St. James Parish, St. James Parish Council, and St. James Parish Planning Commission is entered regarding Plaintiff's Petition for declaratory judgment. Plaintiffs presented sufficient evidence to establish that the consecutive meetings convened on May 14, 2019, with the St. James Planning Commission and St. James Parish Council, outside the purview of the public, violated the Open Meetings Law under La. 42:11, *et seq.*

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Petition for injunctive relief against Defendants is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Counsel for Plaintiffs' may apply for attorney fees and costs in accordance with this judgment.

JUDGMENT READ, RENDERED, AND SIGNED at Gonzales, Louisiana, this 2nd day of January, 2025.



**JUDGE JOHN H SMITH
23RD JUDICIAL DISTRICT COURT
DIVISION "C"**

NOTICE ALL COUNSEL OF RECORD

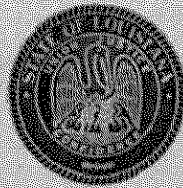
**Judge John H Smith
23rd Judicial District Court
Division C**

NOTIFICATION OF JUDGMENT WITH WRITTEN REASONS/JUDGMENT

GENEVIEVE BUTLER, ET AL

Versus

ST. JAMES PARISH, ET AL



Case: 00039413

Division: C

23rd Judicial District Court

Parish of St. James

State of Louisiana

JANUARY 6, 2025

DATE

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KLIEBERT & HELTZ
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GRAMERCY, LA 70052**

**NOTICE IS HEREBY GIVEN that, in the above entitled and numbered matter,
JUDGMENT WITH WRITTEN REASONS/JUDGMENT**

was/were rendered, read and signed and made a part of the record herein.

A true and certified copy of which is attached to this notice.

**Shane M. LeBlanc
Clerk of Court
P.O. Box 63
Convent, LA. 70723
225-562-2270 (TEL.)
225-562-2383 (FAX)**

BY:

Deputy Clerk of Court