UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

INCLUSIVE LOUISIANA; MOUNT TRIUMPH BAPTIST CHURCH; RISE ST. JAMES, by and through their members *Plaintiffs*, vs. ST. JAMES PARISH, *Defendant.*	Civil Action No. 2:23-cv-00987 Section J Judge Carl Barbier Magistrate Judge Janis van Meerveld

PLAINTIFFS' OPPOSITION TO ST. JAMES PARISH'S MOTION TO COMPEL RESPONSES TO ST. JAMES PARISH'S SECOND SET OF DISCOVERY

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INTRODUCTION

Plaintiffs RISE St. James ("RISE"), Inclusive Louisiana ("Inclusive"), and Mount Triumph Baptist Church ("MTBC") (collectively "Plaintiffs") submit the following opposition to Defendant St. James Parish's ("Defendant" or the "Parish") Motion to Compel Responses to Second Set of Discovery, Dkt. 150:

Plaintiffs are lifelong and generational residents of St. James Parish fighting for clean air and water and a local land use system that does not ignore and discriminate against them. For the past few years, since the filing of this case, industry-backed opponents of Plaintiffs' goals have attempted to paint them as money-hungry, paid puppets. Discovery in this case has revealed that this opposition campaign against Plaintiffs has been done in coordination with Parish officials. Now, through its Motion, the Parish asks this Court to allow it carte blanche access to Plaintiffs' financial and tax documents from 2014 to present so that it can search for evidence to support these unfounded accusations. Not only is such a request unrelated to the claims and any genuine, good faith defenses in this case, and thus not relevant or proportional under Fed. R. Civ. P. 26(b)(1), it is clearly a fishing expedition that seems intended to further harass and intimidate Plaintiffs, their members, and donors. The Parish government is not entitled to this information through discovery, and its desired inspection of Plaintiffs' donors and finances unduly burdens their First Amendment expressive and associational rights.

PROCEDURAL BACKGROUND

A. The Parish's June 19 Requests

On June 19, 2026, one day after Plaintiffs filed a Motion for Temporary Restraining Order in this case in which it requested that the Court set a nominal bond, or no bond, Dkt. 132-1 at 24, the Parish propounded a second set of Requests for the Production of Documents (the

"Requests"). Those Requests ask Plaintiffs to produce "all financial statements . . . from 2014 to the present, including but not limited to balance sheets, income statements, profit and loss statements, statements of cash flows, annual reports, audit reports, and budgets." Dkt. 150-1 at 5, RFP 15 (RISE); Dkt. 150-2 at 5, RFP 21 (Inclusive); Dkt. 150-3 at 5, RFP 9 (MTBC). Additionally, the Requests ask for "all federal and state tax returns and tax filings . . . from 2014 to the present, including but not limited to all IRS Forms 990, schedules, attachments, amendments, and supporting documentation." Dkt. 150-1 at 5, RFP 16; Dkt. 150-2 at 5, RFP 22; Dkt. 150-3 at 5, RFP 10. In its brief opposing Plaintiffs' TRO request, the Parish requested "that this Court decline to waive security until Plaintiffs have produced their financial statements and proof of their alleged lack of financing from 2023 to the present." Dkt. 135 at 25. On June 26, 2026, that TRO request was denied, Dkt. 140, which made the no-bond request moot.

A. The Plaintiffs' July 17 Responses

On July 17, 2026, all Plaintiffs objected to the Requests. Dkt. 150-4 (RISE); Dkt 150-5 (Inclusive); Dkt. 150-6 (MTBC). Specifically, Plaintiffs stated that their organizational financial information is not relevant to any of their claims or the Parish's asserted defenses, especially because they do not seek damages. The Plaintiffs additionally objected on grounds that the request was not proportional: such highly-sensitive subject matter is completely unrelated to the issues in controversy. Plaintiffs RISE and Inclusive raised First Amendment privilege-based objections, noting that "financial documents would reveal [the organizations'] political strategy and thereby chill [their] members' work." Dkt. 150-4 at 2; Dkt. 150-5 at 1-2. All Plaintiffs expressed concerns that the Requests were not made in good faith, and instead were part of a pattern of harassment aimed at Plaintiffs for advocating against industrial pollution in St. James Parish. Finally, RISE noted in response to RFP 16, which sought the production of RISE's forms

990, that the Parish was aware that forms 990 are publicly available, and that RISE had a fiscal sponsor and therefore had not filed any forms 990. "Therefore, the Parish knows, or should have known, that th[e] request [sought] information that does not exist." Dkt 150-4 at 3.

B. The Parish's August 25th Deficiency Letter

On August 25, 2026, the Parish sent a deficiency letter to all Plaintiffs. *See* Declaration of Astha Sharma Pokharel, annexed hereto (hereinafter "Sharma Pokharel Decl.), Ex. 1. That letter detailed alleged deficiencies with the Plaintiffs' responses to the Requests. *Id*. at 4-6. The Parish stated—without caselaw support—that the Fifth Circuit permits evidence of financial motive as grounds for discovery on witness credibility. *Id*. at 4. It did not identify any potential financial motive on Plaintiffs' part or identify any particular witness of concern. The Parish then argued that because the Complaint uses the terms like "economic empowerment" and "economic exploitation," broad discovery on financial matters is relevant. *Id*. at 4-5. Additionally, the Parish suggested that financial documents of Plaintiff organizations could shed light on property values of individual members, without explaining how. *Id*. at 5. The Parish suggested the information is proportionate because the set of documents is discrete and finite. *Id*. at 6.

As to RISE's forms 990, the Parish suggested that the use of a fiscal sponsor Earth Island Institute "has shielded [RISE's] past financial information," *id*. at 5, despite the fact that Earth Island Institute's forms 990 are publicly available and that fiscal sponsorship is a commonplace financial structure for nonprofit organizations across the country. The Parish suggested that because RISE is no longer fiscally sponsored by Earth Island Institute and will need to file a form 990 for FY26, RISE should prematurely turn over those materials in response to the discovery request. *Id*. The Parish also noted that "Rise St. James has received funding from . . .

left-of-center donors . . . and has been represented in litigation by Earthjustice, a left-of-center environmental law organization." *Id*.

Finally, the Parish cited to Louisiana Supreme Court Rule XX, which permits students enrolled in law school clinical programs to represent clients in Louisiana *state* court proceedings provided those clients meet certain income requirements, namely they are indigent. The Parish suggested it needed RISE's "income state, tax returns, and other financial documents . . . to determine if RISE meets th[e] standard," for its lawyers' representation. *Id*.

B. The Parties' September 1 Meet and Confer

The Parties met to discuss the Parish's deficiency letter on September 1. The attached email memorializes the topics discussed in that conference. *See* Sharma Pokharel Decl., Ex. 2. Counsel for Plaintiffs continued to object to turning over sensitive financial documents to their government. Plaintiffs also noted their concern that the Requests continue a pattern of harassment, and concern that the letter had singled out the fact that RISE's donors and counsel could be characterized as "left-of-center," "as though there is something objectionable to the Parish about 'left-of-center' viewpoints." *Id*.

Plaintiffs asked the Parish to identify the alleged financial motive in the outcome of the litigation—a case seeking no damages—that would be grounds to assert witness bias. "The Parish responded that certain unidentified Parish residents believe that Plaintiff organizations are paying 'lavish salaries' to employees, and that employees are motivated by 'money and trips' rather than the issues relevant to this case." *Id.* The Parish did not further substantiate its grounds for endorsing the beliefs of unidentified Parish residents, nor explain how those arguments relate to a financial motive *in the outcome of the litigation.*

Plaintiffs then addressed the Parish's mention of Plaintiff Inclusive Louisiana's property at 8111 Romeville Street, in particular. They noted that the Parish had already sent specific interrogatories and RFPs about that property, so any relevant information about those properties should be obtained through those requests rather than these overbroad ones, and that assessments for the property are in the custody of the Parish's assessor. *Id*.

Finally, counsel for RISE noted that Louisiana Supreme Court Rule XX does not apply to student practice in federal court. Instead, student representation of RISE St. James through the Environmental Law Clinic at Tulane Law School in this litigation is governed by LR 82.2.13. No connection between Plaintiffs' sensitive financial documents and the Parish's request for fees was raised by defense counsel during this call or in the deficiency letter that preceded it. It was only after counsel for RISE noted the inapplicability of Louisiana Supreme Court Rule XX that Defendant, through its Motion to Compel, made this argument.

ARGUMENT

I. LEGAL STANDARD

Under Rule 26(b)(1) of the Federal Rules of Civil Procedure, "[p]arties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense." While the discovery rules are given "a broad and liberal treatment," "district courts should not neglect their power to restrict discovery where 'justice requires [protection for] a party or person.'" *Herbert v. Lando*, 441 U.S. 153, 177 (1979) (citing Fed. R. Civ. P. 26(c)). Discovery has "ultimate and necessary boundaries." *Patterson v. Gulf Inland Contractors, Inc.*, No. CV 22-2213, 2023 WL 5668022, at *1 (E.D. La. Jan. 4, 2023) (citing *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978)). Rule 26(b) "has never been a license to engage in an

unwieldy, burdensome, and speculative fishing expedition." *Crosby v. Louisiana Health Serv. & Indem. Co.*, 647 F.3d 258, 264 (5th Cir. 2011).

Additionally, Rule 26(b)(2)(C) *mandates* that courts limit discovery where "(i) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or (iii) the proposed discovery is outside the scope permitted by Rule 26(b)(1)." *Muslow v. Bd. of Supervisors of Louisiana State Univ. & Agric. & Mech. Coll.*, No. CV 19-11793, 2021 WL 4243321, at *3 (E.D. La. Apr. 23, 2021) (internal citations omitted).

The Fifth Circuit recognizes the "highly sensitive" nature of income tax returns. *Nat. Gas Pipeline Co. of Am. v. Energy Gathering, Inc.*, 2 F.3d 1397, 1411 (5th Cir. 1993). Courts in the Circuit apply a two-part test to motions to compel tax returns: (1) the returns are "relevant to the subject matter of the action," and (2) "there is a compelling need for the returns because the information contained therein is not otherwise readily obtainable." *Torsh, Inc. v. Audio Enhancement, Inc.*, No. CV 22-2862, 2023 WL 7688583, at *12 (E.D. La. Nov. 15, 2023).

II. THE REQUESTED INFORMATION DOES NOT MEET THE STANDARD FOR RELEVANCE AND PROPORTIONALITY UNDER RULE 26.

A. Defendant's Requests Are Not Relevant Because the Information Sought Does Not Have Any Bearing on Plaintiffs' Claims.

The Parish asserts that the entirety of Plaintiffs' financial and tax documents since 2014 are relevant because Plaintiffs discuss economic exploitation in the Second Amended Complaint. Dkt. 150 at 9-10. But federal courts have consistently rejected the proposition that mere inclusion of an allegation in a complaint automatically renders related documents discoverable. *Tenaris S.A. Sec. Litig.*, No. 18-CV-7059-RJD-SJB, 2022 WL 905125 at *2 (E.D.N.Y. Mar. 28, 2022)

(rejecting such a "boundless view of discovery."). This rejected argument is exactly the one the Parish makes when it asserts that the Requests are relevant because "[t]he Plaintiffs brought this action, claiming economic exploitation and suppression of economic empowerment." Dkt. 150 at 10. This assertion plainly ignores that Plaintiffs' discussion of economic exploitation is focused on systemic and historic exploitation of the Black community of St. James through a discriminatory land use system. Proof of economic exploitation of Plaintiff organizations or Plaintiffs' members is not necessary or relevant to *any* of Plaintiffs' claims. Even if it were, the Parish has not cited any cases to support its argument that economic exploitation at the hands of the government could be revealed through an organization's financial and tax documents.

Moreover, the Parish does not explain, nor cite any cases to explain, how the entirety of Plaintiffs' financial information could be relevant in a case without any monetary claims. And courts in the Eastern District of Louisiana have denied requests for production of financial documents, including tax returns, as irrelevant even in cases where a party *did* seek damages. *See Marine Power Holding, LLC v. Malibu Boat, LLC,* No. CV 14-0912, 2016 WL 366729, at *9 (E.D. La. Jan. 29, 2016), *on reconsideration in part,* No. CV 14-0912, 2016 WL 1598254 (E.D. La. Apr. 21, 2016) (denying requests for production seeking "financial statement from January 1, 2013, to present" and "income tax returns for the same period" as not relevant to defense against claim for breach of contract and detrimental reliance); *Hills v. PAC Hous. Grp., LLC*, No. CV 23-5740, 2025 WL 4094596, at *3 (E.D. La. Dec. 22, 2025) (finding that moving party's requests were a fishing expedition that sought financial information much broader than what it actually needed to determine if the other party followed corporate formalities).

B. Defendant's Requests are Irrelevant to the Parish's Defenses.

The Parish's arguments about the relevance of the Requests to its defenses are unavailing. When evidence is not within the scope of relevance as defined by Fed. R. Civ. P. 26(b)(1) or is "of such marginal relevance that the potential harm occasioned by discovery would outweigh the ordinary presumption in favor of broad disclosure," it is not discoverable. *Drs. Bethe v. St. Paul Gaurdian Ins. Co.,* No. 2003 WL 292302 at *2 (E.D. La. 2003).

1. Plaintiffs' Funds Are Not Related to the Parish's Defenses, and the Parish's Assertion Otherwise is Disingenuous.

The Parish argues that its Requests are relevant to Plaintiffs' request for no or nominal bond on a Motion for Temporary Restraining Order ("TRO") that this Court denied several months ago. Dkt. 140. The Parish does not explain how that could make the Requests relevant since the TRO is no longer before the Court and especially in this case in which Plaintiffs' seek only declaratory and injunctive relief. The answer is that this cannot be. Nevertheless, Plaintiffs respond to the rest of the substance of the Parish's arguments on this issue as follows.

The Parish attempts to cast Plaintiff organizations as the wealthy puppets of out-of-state interests, baldly suggesting that Plaintiff organizations misrepresented their financial means in a court document. To do so, the Parish greatly misrepresents the foundation for its stated concern. More specifically, the Parish says, Dkt. 150 at 8, that it previously "cited three articles that indicate Plaintiffs have received substantial funds from out of state entities. Dkt. 135 at 24, n.3, 4, and 5." Yet, four of the five sources cited in those footnotes are completely silent on donation amounts to Plaintiff organizations. The one source that makes any mention of Inclusive and RISE's finances is a pro-industry publication that describes the organizations as "barriers" to industry in Louisiana. And even this publication's reporting hardly amounts to "substantial funds." *See* Pelican Institute, Barriers to Louisiana Energy Dominance at 8, available at:

https://pelicanpolicy.org/wp-content/uploads/2026/03/Barriers-to-Louisiana-Energy-Dominance-Paper.pdf.

The final basis the Parish offers to connect the TRO briefing to its Requests for all of Plaintiffs' financial and tax documents are (1) emails from two of the Parish's nearly 19,000 residents referring to Plaintiffs' as "paid protestors," Dkt. 150 at 8 (citing Dkt. 135-4, pp. 136, 132; Dkt. 135-5, pp. 19, 54, 56, 60),[1] and (2) a statement of support for redesignating part of the 4th District to Industrial that was sent to the Parish from the Executive Director of Industry Makes, a coalition of representatives from industrial facilities and pro-industry supporters whose Executive Director is not a resident of the Parish. Dkt. 150 at 8 (citing Dkt. 135-5 at 78-82).

These facts lay bare that this is a wild goose chase, and further reveal the Parish's intent to harass Plaintiffs through these Requests. The Parish is not entitled to such a sweeping investigation into Plaintiffs' financial and tax documents on this basis.

2. There Cannot be a Financial Interest Relevant to Impeachment of Plaintiff Organizations or Their Members in a Case in Which They Seek Only Declaratory and Injunctive Relief.

The Parish argues that the Requests are relevant to "the motivation and bias of parties and witnesses" and that they might provide information related to improper motivation. Dkt. 150 at 11. Specifically, the Parish says the Requests might reveal evidence about how Plaintiffs' actions are "part of [Michael Bloomberg's] national 'war on plastics.'" *Id.* at 12. As discussed below in Section III, Plaintiffs' rights of political expression and association are squarely protected by the First Amendment—not evidence of bad faith or bias. Additionally, in a meet and confer with the Plaintiffs, the Parish suggested that there was some connection between the documents requested

[1] Although the Parish also cites to Dkt. 135-5 at 19, 54, 56, 60 to support this point, only two of these emails, Dkt. 135-5 at 54, 60, refer to Plaintiffs as "paid protestors" and they are duplicates of the emails cited in the same citation as Dkt. 135-4 at 126, 132.

and witness bias because "unidentified Parish residents believe that Plaintiff organizations are paying 'lavish salaries' to employees, and that employees are motivated by 'money and trips' rather than the issues relevant to this case." Sharma Pokharel Decl., Ex. 2. Plaintiffs—who are lifelong residents of St. James Parish, with generational ties to the River Parishes and the very land that is the subject of this litigation, who care deeply about the wellbeing of their communities and environment—obviously reject this characterization. But even if it were true, Plaintiffs are left guessing as to how their salaries and their members' advocacy-related travel is related to witness credibility and bias.

In support of its argument, the Parish points to three cases, which are unavailing. First, it cites *United States v. Morvant*, No. CIV. A. 93-3251, 1994 WL 419873 (E.D. La. July 28, 1994). There, the government brought allegations against Dr. Morvant, a dentist, for refusing to treat patients with HIV. *See United States v. Morvant*, 843 F. Supp. 1092 (E.D. La. 1994). The court ordered that the parties be allowed discovery on "witnesses' attitudes and statements about individuals who are perceived to be HIV-positive or of a particular lifestyle, e.g. sexual orientation, etc." as relevant to the motivations and biases of potential witnesses. *Morvant*, 1994 WL 419873, at *1.

Second, the Parish points to *Sanchez v. Dow, Inc*, No. 7:19-CV-00341, 2020 WL 6365525 (S.D. Tex. Apr. 13, 2020), in which next friends of two children filed multiple lawsuits against chemical companies alleging fault for the children's development disorders due to in-utero exposure and sought damages. Plaintiffs had already settled and recouped money in some of these previous suits. The court held that the settlement agreements in previous cases in which Plaintiffs asserted "similar, if not identical" claims against other defendants were "reasonably

calculated to lead to the discovery of admissible evidence regarding witness motives or bias." *Sanchez v. Dow, Inc.*, No. 7:19-CV-00341, 2020 WL 6365525, at *4 (S.D. Tex. Apr. 13, 2020).

Third, the Parish cites *Woodard v. Diamond Offshore Drilling, Inc.*, No. CIV. A. 99-1661, 2000 WL 275797, at *1 (E.D. La. Mar. 9, 2000), in which the defendant moved to compel the plaintiff's doctor and clinic to respond to certain questions because the defendant believed the surgery for injuries for which Woodard sought monetary damages was unnecessary and performed only because of a financial relationship between the doctor and Woodard's attorney.

The facts of each of these cases are clearly distinguishable from the Parish's argument here. In each case, the link between the requested discovery and the motivation of potential witnesses is clear: (1) attitudes about people who are HIV-positive matters in a case about discrimination by a doctor against an HIV-positive patient; (2) information about payments received in prior settlement agreements based on the same set of facts are relevant to whether a plaintiff has already been made whole for the injury alleged against a defendant; and (3) it matters if a doctor has a financial relationship with the lawyer of a patient on whom she performed the surgery that is a basis of the patient's claim for damages.

The Parish has not established a factual connection between these Requests and the claims or defenses in the case that might make this information relevant to witness impeachment. The Parish has not offered any basis for (1) what the financial motive *could* be in a case without a claim for monetary relief, or (2) what the purported or relevant link is between a nonparty's supposed "war on plastics," Dkt. 150 at 12, and Plaintiffs' claims of a discriminatory land use system by their own government. Instead, the Parish has provided only emails from two parish residents, an email from a nonresident representative of an organization that has harassed both

organizations, *see* Dkt. 165 at 13-14, and a pro-industry publication that maligns both organizations. These Requests clearly amount to nothing more than a fishing expedition.

3. Property Ownership by Plaintiffs and Their Members Do Not Make the Requests Relevant.

Finally, the Parish argues that property ownership makes the Requests relevant because of Plaintiffs' allegations about the impact of the Parish's land use discrimination on their properties. Dkt. 150 at 13-14. But the broad range of information in the Requests – "all financial statements of Inclusive Louisiana from 2014 to the present" and "all federal and state tax returns and tax filings . . . from 2014 to the present" – reveals that these Requests are not actually about Plaintiffs' property-related claims. The Parish has not explained how all of Plaintiffs' financial information, including balance sheets, income statements, profit and loss statements, statements of cash flows, annual reports, audit reports, budgets, and tax returns and filings would help it defend against this claim about the impact of the land use system on property values. And here again, the Parish does not offer a single case to support its argument.

To the extent that the Parish's stated reasons, i.e. "the value placed on the properties by Plaintiffs," "if the property is producing income via rent or some other means," and "whether Plaintiffs have claimed depreciation on the properties," are appropriate subjects of discovery, Dkt. 150 at 13, the Parish can get that information through interrogatories or other specific and tailored discovery requests to Plaintiffs. *Matter of GH Storm Cat, LLC*, No. CV 20-3085, 2022 WL 1699002 at *5 (E.D. La. Mar. 9, 2022) (ruling that the moving party failed to demonstrate a compelling need for tax returns for the purpose of determining property ownership).[2] *See also*

[2] In *Matter of GH Storm Cat*, *LLC,* the court reiterated the "general reluctance to order the production of tax returns," and found a compelling need for disclosure of tax returns only because of "Petitioners' need to fully analyze [Defendant's] finances to determine the propriety of its substantial claim for damages." 2022 WL 1699002, at *5.

Hills v. PAC Hous. Grp., LLC, No. CV 23-5740, 2025 WL 4094596, at *3 (E.D. La. Dec. 22, 2025) (finding that moving party's requests were a fishing expedition that sought financial information much broader than what it actually needed to determine if the other party followed corporate formalities).

Moreover, as Plaintiffs' counsel have already pointed out, (1) the Parish has sent Plaintiffs several other requests related to Plaintiffs' and Plaintiffs' members properties and (2) any assessment of that property and any of the Plaintiff organizations' properties are in the custody of the Parish's tax assessor as are mortgage records of original purchase prices. Sharma Pokharel Decl., Ex. 2.

The Parish also argues that whether the Plaintiff organizations funded, subsidized, or paid for costs and expenses related to its members' properties is relevant to its challenge to Plaintiffs' standing. Dkt. 150 at 14. But the Parish provides no basis for believing that the organizations have in any way funded individuals' properties, so this is plainly a fishing expedition.

4. The Parish's Argument About Attorneys' Fees Does Not Make the Requests Relevant.

The Parish argues that the Requests are relevant to its request for attorneys' fees in its Answer based on its argument that "Plaintiffs are inappropriately using the lawsuit against it as a harassment of industry and to seek press opportunities." Dkt. 150 at 11. More specifically, in its Answer, the Parish states:

> On information and belief, this action is frivolous, unreasonable, and without foundation. On information and belief, this suit was brought against, or has been continued against, Defendant in bad faith and for the purposes of harassment, with a specific intention of creating a hostile land use environment, intimidating land use applicants, and preventing the submission of additional applications. This action has also been brought against Defendant for the inappropriate purpose of creating press opportunities for Plaintiffs, as demonstrated by their actions of using filings as press quotes immediately after filing and organizing their own press conferences for every court event, at the expense of a public entity incurring

> litigation costs. Defendant is entitled to the award of all fees and costs incurred by them in this matter pursuant to 42 USC § 1988.

Dkt. 120 at 4. The question of attorneys' fees will only be relevant once there is a prevailing party in the case and is not an appropriate basis for discovery. Under 42 U.S.C. § 1988, should the Parish qualify as the prevailing party as a defendant in a civil rights case, it would then be entitled to fees "incurred because of, but only because of, a frivolous claim." *Fox v. Vice*, 563 U.S. 826, 836 (2011). This Court has already ruled that Plaintiffs' claims are "neither frivolous nor in bad faith, and Defendants mischaracterize both the length and contents of the complaint." Dkt. 62 at 7-8.

In any case, attorneys' fees are not a defense, and the Parish offers no case to support its argument that a request for attorneys' fees opens the opposing party to discovery on matters otherwise not related to the claims and defenses in the case. Nor does it explain how advocacy against industrial expansion, informing members of the press about court filings – which is commonplace, unobjectionable, and itself protected by the First Amendment – or Plaintiffs' donor lists and funds are relevant to the question of whether any of Plaintiffs' claims are brought "without merit." Further, the Fifth Circuit Court of Appeals has ruled that Plaintiffs have established "religious, cultural, and aesthetic injuries," "property-injuries," and "stigmatic-injuries" sufficient to establish standing for all of their claims. *Inclusive Louisiana v. St. James Par.*, 134 F.4th 297, 309-312 (5th Cir. 2025). And, in response to the Defendant's second motion to dismiss, this Court has noted that "Plaintiffs describe a land use pattern that quite literally originated in slavery. Plaintiffs have also detailed the specific sequence of events leading up to multiple challenged actions." Dkt. 118 at 19.

In the face of these court rulings that indicate an uphill battle for the Parish to argue that Plaintiffs' lawsuit is frivolous, unreasonable, or without foundation, the Parish has offered

nothing to support its contrary assertion. Nor does it explain how Plaintiffs' financial and tax documents would reveal anything relevant to the Section 1988 inquiry. *See Hills v. PAC Hous. Grp., LLC*, No. CV 23-5740, 2025 WL 4094596, at *5 (E.D. La. Dec. 22, 2025) (denying motion to compel discovery because there was "no connexity between the requests and Defendant's stated reason for seeking them").

C. The Requests Are Not Proportionate to the Case.

Rule 26(b)(1) limits discovery to matters proportional to the needs of the case, considering six proportionality factors: the importance of the issues at stake, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Fed. R. Civ. P. 26(b)(1).

The Parish argues that it needs the entirety of Plaintiffs' financial and tax information—including balance sheets, income statements, profit and loss statements, statements of cash flows, annual reports, audit reports, budgets, and tax returns and filings over more than a decade for the purpose of evaluating who Plaintiffs' donors are and how much money Plaintiff organizations have. To compel disclosure of this information, these Requests "must comply with Rule 26(b)(1)'s proportionality limits on discovery requests" and must be "'(i) consistent with these rules ...; (ii) not interposed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and (iii) neither unreasonable nor unduly burdensome or expensive, considering the needs of the case, prior discovery in the case, the amount in controversy, and the importance of the issues at stake in the action.'" *Lee v. Aramark Facility Servs., LLC*, No. CV 20-2049, 2021 WL 6070448, at *2 (E.D. La. July 15, 2021) (citing Fed. R. Civ. P. 26(g)(1)(B)).

These Requests do not comply with the proportionality limits, are interposed for the improper purpose of gaining access to information about Plaintiffs' donors and funds, and are unreasonable considering the needs of the case. Even if the information the Parish says it seeks is an appropriate subject of discovery in this case, these Requests ask for significantly more of Plaintiffs' sensitive financial information than would be necessary to get that information. Therefore, the Requests are disproportionate and overbroad and cannot be justified under the rules of discovery.

III. THE REQUESTED INFORMATION IS PRIVILEGED UNDER THE FIRST AMENDMENT.

The Parish government admits that it is seeking Plaintiffs' donors and other financial information at least partially because it considers this lawsuit and Plaintiffs' advocacy a "harassment of industry," Dkt. 150 at 11, and because it finds objectionable Plaintiffs' and potential donors' opposition to petrochemical and industrial expansion, *id*. at 12, as well as their political affiliations, Sharma Pokharel Decl.. Ex. 1 (describing Plaintiffs' donors and attorneys as "left-of-center" as though such viewpoints are objectionable). Given these admissions regarding the government's improper purpose, balanced against Plaintiffs' significant First Amendment interest in preventing disclosure of financial documents that reveal donors (e.g. income sheets) or their internal strategy (e.g. budgets), this Court should deny Defendant's motion.

In response to Defendant's Motion to Compel Responses to St. James Parish's First Set of Discovery, Plaintiffs set out Supreme Court and Fifth Circuit jurisprudence on the First Amendment privilege against discovery requests that burden a party's expressive or associational rights, as well as the two-part test that guides courts in determining whether compelled disclosure is proper. Dkt. 165 at 12-18. Plaintiffs will not restate the law here, but only add that Supreme Court precedent confirms that financial information such as the identities and

contributions of donors are also entitled to First Amendment protections. *See First Choice Women'' Res. Centers, Inc. v. Davenport,* 608 U.S. 174, 186 (2026) ("demands for private donor information 'inevitabl[y]' carry with them a 'deterrent effect on the exercise of First Amendment rights.'"); *Americans for Prosperity Found. v. Bonta*, 594 U.S. 595, 618 (2021) (California law that required disclosure of donors' identities and contributions violated First Amendment). And the privilege also extends to disclosure of documents, for example budgets, that may reveal internal political strategy. *See Whole Woman's Health v. Smith*, 896 F.3d 362, 372 (5th Cir. 2018), *as revised* (July 17, 2018) ("communications within such a group must be permitted to be broad, uninhibited, and fearless" and "protecting such deliberations is a seminal aspect of the freedom to associate."); *DeGregory v. Att'y Gen. of State of N. H.*, 383 U.S. 825, 828-29 (1966) (applying privilege to disclosure of "meetings . . . attended, and the views expressed and ideas advocated at" political gatherings). *See also, Perry v. Schwarzenegger,* 591 F.3d 1147, 1162 (9th Cir. 2010) ("We have little difficulty concluding that disclosure of internal campaign communications can have such an effect on the exercise of protected activities."). These First Amendment considerations apply with equal force to religious institutions such as MTBC. *Whole Woman's Health*, 896 F.3d at 372. And the privilege is especially important when the disclosures are sought by a government that has already demonstrated hostility toward Plaintiffs for their viewpoint. *See, e.g., First Choice Women's Res. Centers, Inc.*, 608 U.S. at 188; *Media Matters for Am. v. Paxton*, 138 F.4th 563, 585 (D.C. Cir. 2025).

A. Plaintiffs Have Satisfied Their Burden Under the First Part of the Test.

Under the first part of the balancing test, Plaintiffs "must demonstrate ... a prima facie showing of arguable first amendment infringement." *Perry*, 591 F.3d at 1160 (internal citations omitted). Here, the Parish seeks information about Plaintiffs' donors, which "inevitably" carries

with it a "deterrent effect on the exercise of First Amendment rights." *First Choice Women's Res. Centers, Inc.*, 608 U.S. at 186. Additionally, Plaintiffs have shown that the Parish officials have been hostile to Plaintiffs and those who associate with Plaintiffs, simply because they disagree with Plaintiffs' viewpoint, and that Parish officials have coordinated with industry-backed groups who have tried to use Plaintiffs' financial information to malign Plaintiffs and their members.

Contrary to the Parish's argument, Dkt. 150 at 18, Plaintiffs have amply made a showing of public hostility toward the Plaintiffs sufficient to satisfy the first part of the balancing test. Dkt. 165 at 13-16. The Parish government claims that Plaintiffs "make no reference to any prior actions by *St. James Parish* that are in any way harassing" and that Louisiana state actors and Industry Makes are "*not affiliated with* St. James Parish," Dkt. 150 at 18. But the Parish government's own document productions reveal the opposite. Parish officials regularly coordinate with Industry Makes, Sharma Pokharel Decl., Exs. 9-13, an industry-back group, *id.* Ex. 3, that has led the campaign of disparagement and harassment against Plaintiffs fixating on their funding sources, *id*. Exs. 5-8; Industry Makes and the Parish President have coordinated with Louisiana state entities regarding Plaintiffs' advocacy, *id*. Ex. 12, and in turn, at least one Louisiana state entity has described Plaintiffs as "sock-puppet local NGOs", *id*. Ex. 14, again simply for their advocacy; and at least one Parish elected official has expressed hostility towards one church that merely associated with Plaintiff RISE St. James, *id*. Ex. 13. As a result, Plaintiffs reasonably fear reprisal from the Parish for their and their members' advocacy. *See generally* Declaration of Sharon Lavigne, Dkt. 165-2.

Statements by counsel for the Parish government during the course of this discovery dispute further reflect the government's hostility towards Plaintiffs' advocacy. In their August

25, 2026 deficiency letter to Plaintiffs, the Parish attempted to justify its request for financial documents by stating that "Rise St. James has received funding from . . . *left-of-center* donors, and has been represented in litigation by . . . a *left-of-center* environmental law organization." Sharma Pokharel Delc., Ex. 1 at 5 (emphasis added). In this Motion, the Parish government describes this lawsuit, which raises serious constitutional claims that have survived two motions to dismiss and one appeal to the Fifth Circuit, as a "harassment of industry." Dkt. 150 at 11. It describes any opposition to petrochemicals or plastics as potential evidence of "biases of Plaintiffs." *Id*. at 12. And yet, the internal minutes from one joint meeting between Industry Makes and Parish officials reveal that the Parish is in fact aware that Plaintiff organizations are "frontline groups" and that they are simply "leading the fight to end petrochemical pollution in these communities." Sharma Pokharel Decl., Ex. 10 at 3. Those minutes also reveal why the Parish is now seeking financial information from Plaintiffs': because of its hostility toward donors who would "scale the work being done by frontline groups" such as Plaintiffs. *Id*.[3]

And finally, the declaration of Sharon Lavigne, founder and director of RISE St. James, further reveals the potential chilling effect of these disclosures. *See* Lavigne Decl., Dkt. 165-2, ¶¶ 7, 18-19. This is sufficient to satisfy Plaintiffs' burden to show a likelihood that disclosure of Plaintiffs' donors and other financial information will be used by the Parish government to in ongoing efforts to chill association with Plaintiffs and silence their advocacy.

[3] The Parish suggests that Plaintiffs' public speech regarding their campaign somehow waives their ability to raise the First Amendment privilege against disclosure of internal political strategy, Dkt. No. 150 at 14-17, but cites no case to support this position because no such case exists: the exercise of speech rights cannot waive Plaintiffs' associational rights.

B. Defendants Fail to Meet Their Burden Under the Second Part of the Test Because their Requests Do Not Even Meet the Rule 26 Standard, Much Less Exacting Scrutiny.

Under the second part of the balancing test, the Parish government fails to meet "exacting scrutiny." *Bonta*, 594 U.S. at 607-608 (exacting scrutiny requires government to show that disclosure is "means substantially related to a sufficiently important interest" and that the means are "narrowly tailored" to that interest). As set out above, the Parish's Requests have no bearing on the litigation and cannot satisfy Rule 26's requirements of relevance and proportionality. Instead, as also shown above, the Parish is motivated by its hostility toward Plaintiff organizations and any donor supporting them. The Parish government's abuse of the discovery process to target third-parties affiliated with the Plaintiffs is already revealing of this motivation: it has gone so far as to issue a subpoena to Earth Island Institute, RISE St. James's former fiscal sponsor, seeking, for example, "any and all documents and communications from 2017 to the present between Earth Island Institute Inc. and RISE St. James." Sharma Pokharel Decl., Ex. 15.

IV. THE REQUESTS ARE IMPROPER FOR THE ADDITIONAL REASON THAT THEY ARE INTENDED TO INTIMIDATE AND HARASS PLAINTIFFS, THEIR MEMBERS, AND DONORS.

The Parish's Requests have no bearing on Plaintiffs' claims or the Parish's defenses, and they interfere with Plaintiffs' important First Amendment interests. The Parish itself admits that its intention in issuing these Requests is to uncover Plaintiffs' donors because the Parish government takes issue with Plaintiffs' opposition to continuing expansion of the petrochemical industry in their communities, which the Parish describes as "harassment of industry." Dkt. 150 at 10-11. This is clear evidence of viewpoint discrimination on full display, and the Parish's abuse of the discovery process to further that discrimination is itself a form of harassment.

The Parish also seems to admit that it is using its discovery Requests as a way for "residents of St. James Parish . . . who support development" (referring, presumably, to industrial expansion) to "add their voice to the debate regarding development in St. James Parish." Dkt. 150 at 20. But the overbroad, burdensome, and harassing Requests by the Parish government in this civil rights litigation are not a proper way for third-party, pro-industry individuals to "add their voice" to the debate; nor is it appropriate for the government to use discovery to weigh in favor of a particular political viewpoint. This Court must reject the Parish government's improper discovery tactics.

CONCLUSION

For the forgoing reasons, the Court should deny the Parish's motion in its entirety. Plaintiffs further request an award of their reasonable expenses, including attorneys' fees, incurred in opposing the motion under Federal Rule of Civil Procedure 37(a)(5)(B), because the Parish's motion was not substantially justified and no circumstances make an award unjust.

Dated: October 13, 2026 Respectfully submitted,

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