

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

**ATCHAFALAYA BASINKEEPER,
LOUISIANA BUCKET BRIGADE,
and 350 NEW ORLEANS,**

Civil Action No. _____

Plaintiffs,

v.

Division ____

**BAYOU BRIDGE PIPELINE, LLC,
and CHRIS MARTIN**

Defendants.

Filed: _____

Deputy Clerk _____

PETITION FOR WRIT OF MANDAMUS
UNDER THE LOUISIANA PUBLIC RECORDS ACT

SUMMARY PROCEEDING

A Delaware corporation, Bayou Bridge Pipeline, LLC, ("BBP") has taken or expropriated over 400 pieces of private property in Louisiana to build a pipeline. BBP asserts that it has legal authority to exercise eminent domain and take private property because it is a "common carrier" under Louisiana law and that its proposed pipeline is "in the public interest and necessity." In asserting that inherently sovereign power, an essential governmental function, for a claimed public purpose, Defendant BBP is functioning under color of law and as an instrumentality of the State and must be subject to the Public Records Law as recently affirmed by the Louisiana Supreme Court. *See New Orleans Bulldog Society v LSPCA*, 2016-C-1809, 222 So.3d 679, 684 (La. 2017).

Plaintiffs, Atchafalaya Basinkeeper, the Louisiana Bucket Brigade, and 350 New Orleans, request, pursuant to Article XII, Section 3 of the Louisiana Constitution of 1974 and La. R.S. 44:35(A), and other applicable law cited herein, as well as La. Code of Civ. Proc. Art. 3864(A), this Court issue a Writ of Mandamus directing the Defendants to provide Plaintiffs with public records in their possession. Plaintiffs respectfully request an expedited hearing within ten days of service of this petition as required by La. C. C. P. art. 3782 as well as La. R.S. 44:35(C), which provides that any suit brought to enforce the provisions of the Public Records

Act “shall be tried by preference and in a summary manner.”¹

In support of this petition, Plaintiffs state the following:

PARTIES

1. Plaintiff Atchafalaya Basinkeeper is a nonprofit organization with a mission to protect and restore the lakes, streams, bayous, wetlands and ecosystems of the Atchafalaya Basin for future generations.

2. Plaintiff Louisiana Bucket Brigade is a non-profit organization working for health and justice with communities that neighbor Louisiana’s oil refineries and chemical plants toward a healthy, prosperous, pollution-free and just state.

3. Plaintiff 350 New Orleans is a non-profit, volunteer-led local organization founded to connect the Louisiana region to the international climate change movement, and prioritizes locally-grown initiatives and collaboration with local groups working on climate justice.

4. Plaintiffs are “persons” within the meaning of La. R.S. 44:31.²

5. Defendant Bayou Bridge Pipeline, LLC, is a Delaware limited liability company authorized to do business in Louisiana with its principal place of business at 8111 Westchester Drive, Suite 600, Dallas, Texas. BBP is a joint venture between Energy Transfer Partners and Phillips 66 Partners, LP, for purposes of constructing a 162-mile pipeline through eleven parishes in Louisiana.

6. Defendant Chris Martin is President of Bayou Bridge Pipeline, LLC, and as such is the custodian of records for the company, pursuant to La. R.S. § 44:1(3).

7. Defendant BBP is a public body as defined in La. R.S. § 44:1(A)(1) as shown further in Plaintiff’s Memorandum of Law in Support of this Petition submitted herewith. *See New Orleans Bulldog Society v LSPCA*, 2016-C-1809, 222 So.3d 679, 684 (La. 2017).

¹ See also La. C. C. P. art. 2591, 2595.

² See *Indep. Weekly, LLC v. Pope*, 201 So. 3d 951, 953 (La. App. 3 Cir. 2016) (holding that “person” includes a body of persons, whether incorporated or not and that courts must presume that the reference to ‘person’ in La. R.S. 44:1 et seq “refers to not only natural persons, but to corporations or companies.”)

JURISDICTION AND VENUE

8. This Court has jurisdiction to issue a writ of mandamus ordering the production of records improperly withheld and to award attorneys' fees and costs, pursuant to La. R.S. 44:35.

9. Pursuant to La. R.S. 44:35(A), venue is proper in this Court as the Custodian's principal business establishment in Louisiana is located in East Baton Rouge Parish.

FACTS

10. By at least some point in 2016 and prior to receiving necessary permits for its proposed pipeline, BBP began pursuing easements and/or servitudes across privately-owned property and expropriating the properties when negotiations with landowners failed. In court filings in expropriation cases, BBP asserted "common carrier" status pursuant to La. R.S. § 45:251(1), which includes "all persons engaged in the transportation of petroleum as public utilities and common carriers for hire... ." *See, e.g.,* Petition for Expropriation, ¶ 4, *Bayou Bridge Pipeline, LLC, v. 80.00 Acres, More or Less, Located in Calcasieu Parish*, No. 2016-5195, 14th Judicial District Court, Oct. 28, 2016, annexed hereto as Exhibit A. It also claimed the authority to expropriate property under Louisiana law, La. R.S. § 19.2(8) and that its pipeline is "in the public interest and necessity." *Id.*

11. BBP is 60% owned by ETP, a Delaware limited partnership authorized to do business in Louisiana with its principal place of business at 8111 Westchester Drive, Suite 600, Dallas, Texas. In addition to its majority ownership, ETP serves as operator of the pipeline.

12. On December 6, 2017, Plaintiffs sent Defendant BBP and ETP a written request for "any and all public records... related to the proposed Bayou Bridge Pipeline... ." *See* Plaintiffs' Records Request to BBP and ETP, December 6, 2017, annexed hereto as Exhibit B. The request included, "but [was] not limited to":

- all records relating to acquiring of easements or rights of way through, or expropriation of, private property in connection with the proposed Bayou Bridge Pipeline ("the proposed pipeline");
- all records relating to communications with local, parish, state, and federal agencies and/or officials, including law enforcement agencies and regulatory or permitting agencies, concerning the proposed pipeline, including opposition thereto;
- all records relating to public opposition to the proposed pipeline, including individuals and organizations opposing the pipeline, including any records of surveillance or other operations concerning opponents by private security companies such as TigerSwan, or others;

- all records relating to communications with officials, staff, or entities affiliated with Louisiana State University, including David Dismukes, and the Center for Energy Studies;
- all records relating to public relations messaging about the pipeline, including safety concerns, and communications with public relations and public affairs consultants or agents, journalists, media, spokespeople, and lobbyists;

Id.

13. Plaintiffs directed the public records request to BBP on the grounds that the “company has claimed authority to expropriate private property in Louisiana pursuant to ‘common carrier’ status under La. R.S. § 45:251(1)” and was “functioning as an instrumentality of the government” and therefore “subject to the Louisiana Public Records Act.” *Id.*

14. Plaintiffs also requested a fee waiver on the basis that the “requested information is in the public interest” and that the information was being sought for “news gathering purposes” and not for “commercial purposes.” *Id.*

15. On December 15, 2017, counsel for BBP sent counsel for Plaintiffs a letter acknowledging service of the records request and indicating that they “fundamentally disagree that Bayou Bridge or Energy Transfer Partners is subject to the Public Records Act in the manner that you have described, nor is either entity obligated to produce the records requested.” *See* Letter from James Percy to P. Spees, W. Quigley, December 15, 2017, annexed hereto as Exhibit C.

16. To date, Plaintiffs have received no further response or records from Defendant BBP.

17. Pursuant to La. R.S. § 44:35(A), after five days, a person who has been denied the right to inspect or copy records, either by the agency’s final determination or by the passage of time, may institute expedited proceedings for the issuance of a writ of mandamus and attorney’s fees and costs.

18. Pursuant to La. R.S. § 44:1 *et seq.* this Court is authorized to issue a writ of mandamus compelling Defendant BBP to produce the requested documents withheld from Plaintiffs, to declare Plaintiffs entitled to inspect the identified public records, and direct Defendant BBP to preserve the requested public records in the same form and substance they existed at the time of the public records request.

19. Defendant BBP indicated they believe they are not subject to the Public Records

Law and Plaintiffs respectfully request that an expedited hearing be scheduled within ten days of the filing of this Petition, pursuant to La. R.S. 44:35, which requires that this action be tried by preference and in a summary manner.

WHEREFORE, Plaintiffs pray:

1. That a writ of mandamus be issued directing Defendants to disclose the records requested, or show cause why they should not be ordered to do so;
2. For an award of attorney's fees, costs, damages, and civil penalties, as provided by law.

Respectfully submitted,



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quigley77@gmail.com

Attorneys for the Plaintiffs

Sheriff please serve:

Bayou Bridge Pipeline, LLC
Corporation Service Company
501 Louisiana Avenue
Baton Rouge, LA 70802

Chris Martin, President
Bayou Bridge Pipeline, LLC
Corporation Service Company
501 Louisiana Avenue
Baton Rouge, LA 70802

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

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Defendants.

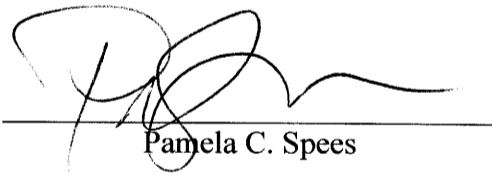
Filed: _____

Deputy Clerk _____

Before me, the undersigned Notary Public, personally came and appeared:

Pamela C. Spees,

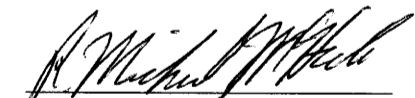
who, after being duly sworn, did depose and say that she is counsel on behalf of the Plaintiffs in the above captioned civil action, that she has read the foregoing Petition for Writ of Mandamus, and that all of the allegations contained therein are true and correct to the best of her knowledge and belief.



Pamela C. Spees

Sworn to and subscribed before me, the undersigned Notary Public, on the 14th day of

January, 2018.



Notary Public
R. Michael Mettala
LA Bar # 23529

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

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Deputy Clerk _____

INDEX OF EXHIBITS

- A. BBP Expropriation Petition
- B. Plaintiff's Public records Request to Bayou Bridge Pipeline LLC and Energy Transfer Partners, December 6, 2017
- C. BBP Response to Plaintiff's Records Request, December 15, 2017

Exhibit A

JDL
KLP
1 Conf ✓

BAYOU BRIDGE PIPELINE, LLC

14TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO. 2016-5195

80.00 ACRES, MORE OR LESS,
LOCATED IN CALCASIEU PARISH,
AND SVK, L.L.C.

CALCASIEU PARISH, LOUISIANA

2016 DEC 28 PM 3:28
CALCASIEU PARISH, LOUISIANA
CLERK OF COURT

SCANNED
JAN 17 2017

BAYOU BRIDGE PIPELINE, LLC'S PETITION FOR EXPROPRIATION

NOW INTO COURT, through undersigned counsel, comes Bayou Bridge Pipeline, LLC ("Bayou Bridge"), and files this Petition for Expropriation. In support of its petition, Bayou Bridge respectfully represents as follows:

1.

FAX
12-27-16
Scott Yeh

Plaintiff Bayou Bridge is a Delaware limited liability company authorized to do business in the State of Louisiana. Its principal office is located in Houston, Texas.

2.

Made Defendant herein is SVK, L.L.C., a Louisiana Limited Liability Company, whose principal office address is 3909 Bayouwood Drive, Lake Charles, Louisiana 70605, ("SVK"). SVK is known to Bayou Bridge to have or claim an interest in the property described as follows:

That certain tract of land located in Section 36, Township 10 South, Range 9 West, Calcasieu Parish, Louisiana, and being more particularly described as Tract I in Book 2842, Page 704, Instrument 2519876 of the official public records of Calcasieu Parish, Louisiana.

That certain tract of land located in Section 36, Township 10 South, Range 9 West, Calcasieu Parish, Louisiana, and being more particularly described as Tract II in Book 2842, Page 704, Instrument 2519876 of the official public records of Calcasieu Parish, Louisiana.

The property is also named as a defendant and is hereinafter referred to as the "Property." Because the Property is located in Calcasieu Parish, venue is proper in Calcasieu Parish. Bayou Bridge further reserves the right to add the name or names of any additional parties who may subsequently appear to have an interest in the Property.

3.

Bayou Bridge intends to construct and operate a common carrier interstate liquid petroleum transmission pipeline having a nominal diameter of twenty-four inches (24") and appurtenant facilities (collectively, the "Pipeline"). The Pipeline will be a much needed expansion to and an integral part of the nation's oil pipeline infrastructure and is being constructed to provide increased and needed access and to enable the transportation of larger

PROCESSED
Date: 1-13-17



{HD082823.1

Filing Date: 12/27/2016 12:00 AM
Case Number: 2016-005195
Document Name: PETITION

Page Count: 5

Date: 12-28-16
Check # 804916
From Jones
Amt 379.00
Recd by Sy

volumes of domestically produced crude to existing Louisiana crude refining facilities. The Pipeline originates in Nederland, Texas (the location of a sizeable petroleum hub in Southeast Texas), has an intermediate facility location in Lake Charles, Louisiana, where it delivers crude to refining facilities located in Lake Charles, and then ultimately traverses to the refining and marketing hub at St. James, Louisiana. The Pipeline will ultimately span approximately 212 miles, with the section from Lake Charles to St. James spanning approximately 162 miles, and is scheduled to be in service in 2017.

4.

Bayou Bridge is a common carrier under Louisiana Revised Statute § 45:251(1), which includes “all persons engaged in the transportation of petroleum as public utilities and common carriers for hire...” Louisiana law grants the authority to expropriate property to common carriers. La. Rev. Stat. § 19:2(8). Further, the Pipeline is in the public interest and necessity.

5.

Bayou Bridge determined the overall route of the Pipeline and thus has identified the pipeline rights of way necessary for installation. Bayou Bridge selected the route of the Pipeline based on its technical experience and sound engineering principles after considering a number of factors, including environmental impacts or damages, possible alternative routes, cultural impacts or damages, minimal crop interference, and minimal interference with property in commerce.

6.

The Pipeline route crosses the Property. Bayou Bridge seeks to expropriate a fifty foot (50') wide permanent and perpetual right of way and servitude (the “Permanent Right of Way”) for the purpose of laying, constructing, maintaining, operating, altering, replacing, repairing, watering up, dewatering, changing the size of (with the same or smaller size pipeline), relocating within the Permanent Right of Way, abandoning and/or removing one (1) underground pipeline having a nominal diameter of twenty-four inches (24”) or less, together with such above- or below-grade valves, fittings, meters, tie-overs, cathodic/corrosion protection, electrical interference mitigation, data acquisition and communications lines and devices, electric lines and devices, pipeline markers required by law, and other appurtenant facilities for the transmission of crude oil and all by-products and constituents thereof, under, upon, across, and through the Property, which is more particularly described and shown in Exhibit 1. The Permanent Right of

Way described in Exhibit 1 will be used for purposes of establishing, laying, constructing, reconstructing, installing, realigning, modifying, replacing, improving, adding, altering, substituting, operating, maintaining, accessing, inspecting, patrolling, protecting, repairing, changing the size of, relocating and changing the route of, abandoning in place and removing at will, in whole or in part, the Pipeline, and any and all necessary or useful appurtenances thereto, in a manner consistent with applicable laws and regulations. Bayou Bridge also seeks the right to select the exact location of the Pipeline within the Permanent Right of Way. Further, Bayou Bridge seeks the right to construct, maintain, and change slopes of cuts and fills to ensure proper lateral and subjacent support and drainage for the Pipeline. Bayou Bridge also seeks the right to have a right of entry and access in, to, through, on, over, under, and across the Permanent Right of Way for all purposes necessary and at all times convenient and necessary to exercise the rights granted to it. To the extent practicable, such ingress and egress should be exercised over the Permanent Right of Way or such roads or ways as may exist at the time of each particular exercise of Bayou Bridge's rights hereunder. The Permanent Right of Way sought by Bayou Bridge should extend to and include contiguous public roads and ways to the full extent of Defendant's interest therein for the purpose of ingress and egress to the Permanent Right of Way.

7.

Bayou Bridge also seeks to expropriate a temporary right of way and servitude (the "Temporary Right of Way") needed during construction and shown on Exhibit 1: a temporary work space (the "Temporary Work Space") adjacent to and generally parallel with the Permanent Right of Way for construction, operation and maintenance of the Pipeline. Bayou Bridge seeks the Temporary Work Space for Bayou Bridge's exclusive use from the commencement of construction until six (6) months after the date the Pipeline is placed in service. However, if Bayou Bridge has completed its use of the Temporary Work Space prior to the expiration of the six (6) month period and so states in writing, then the Temporary Work Space shall immediately terminate. Bayou Bridge does not seek to acquire any interest in oil, gas, or other minerals.

8.

Bayou Bridge requests the right, from time to time, to clear the Permanent Right of Way, during the term thereof, of all trees, undergrowth, and other natural or manmade obstruction that, in Bayou Bridge's sole and absolute discretion, may injure or endanger the Pipeline, appliances, appurtenances, fixtures, and equipment or interfere with Bayou Bridge's access to, monitoring

of, or construction, maintenance, operation, repair, relocation, and/or replacement of same. In addition, Bayou Bridge requests that the Defendant be prohibited from altering or changing the grade of, filling, and/or flooding the Permanent Right of Way without consulting with and obtaining approval of Bayou Bridge if such alterations or changes of grade may interfere with pipeline operations or integrity. Bayou Bridge also seeks the full right and authority to lease, sell, assign, transfer, and/or convey to others the Permanent Right of Way, servitude, interests, rights, and privileges sought here, in whole or in part, or to encumber the same.

9.

Bayou Bridge agrees that Defendant reserves the right to cultivate or otherwise make use of the Property for other purposes in a manner that will not interfere with the enjoyment or use of the servitude rights and the rights of way sought by Bayou Bridge.

10.

Bayou Bridge has conducted good faith negotiations with Defendant in an attempt to amicably acquire the necessary property rights. However, those negotiations have been unsuccessful. In addition, Bayou Bridge has complied with all legal requirements necessary to initiate these proceedings, including the requirements set forth under Louisiana Revised Statute § 19:2.2. Despite its efforts, Bayou Bridge has been unable to acquire the necessary property rights.

11.

In accordance with Louisiana Revised Statute § 19:8, this matter should be tried by preference and with the greatest possible dispatch.

12.

As Exhibit 2 to this petition, Bayou Bridge provides a draft order fixing the trial date and a draft notice in compliance with Louisiana Revised Statute § 19:5.

WHEREFORE, Bayou Bridge prays that a certified copy of this Petition, with attachments and orders, be served on Defendant.

Bayou Bridge further prays that the Court issue an order setting this matter with preference.

Bayou Bridge further prays that after due proceedings are had, the Permanent Right of Way and Temporary Right of Way described herein be adjudicated to Bayou Bridge, for the use

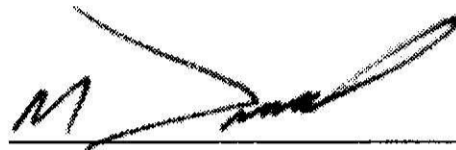
and purposes to be specified in a Judgment of Expropriation, upon payment by Bayou Bridge to Defendant of just compensation to be designated by this Court.

Bayou Bridge finally prays for all other general and equitable relief to which it may be entitled by law, including reimbursement of costs of expropriation proceedings in accordance with Louisiana Revised Statute § 19:12.

Dated: December 27, 2016

RESPECTFULLY SUBMITTED,

JONES WALKER L.L.P.



MICHAEL B. DONALD (Bar No. 16891)
JOSHUA A. NORRIS (Bar No. 32912)
1001 Fannin Street, Suite 2450
Houston, Texas 77002
Telephone No.: (713) 437-1800
Facsimile No.: (713) 437-1810
Email: mdonald@joneswalker.com
Email: jnorris@joneswalker.com

*Attorneys for
Plaintiff Bayou Bridge Pipeline, LLC*

PLEASE SERVE:
SVK, L.L.C.
Susan Halay Vincent, Registered Agent
800 Bayou Oak Lane
Lake Charles, LA 70605

Exhibit B

centerforconstitutionalrights

December 6, 2017

Via Federal Express

Bayou Bridge Pipeline, LLC
8111 Westchester Drive, Suite 600
Dallas, TX 75225

Energy Transfer Partners
8111 Westchester Drive, Suite 600
Dallas, TX 75225

Corporation Service Company
Registered Agent for Bayou Bridge Pipeline, LLC
and Energy Transfer Partners, LLC
1504 Louisiana Avenue
Baton Rouge, LA 70802

Re: Public Records Request

To Whom It May Concern:

On behalf of Atchafalaya Basinkeeper, Bold Louisiana, Louisiana Bucket Brigade, and 350 New Orleans, we request that you produce copies of any and all public records, as described below, related to the proposed Bayou Bridge Pipeline, described as a joint venture between ETP and Phillips 66 Partners, LP, pursuant to the Louisiana Public Records Law, R.S. § 44:1 *et seq.*¹

Your company has claimed authority to expropriate private property in Louisiana pursuant to “common carrier” status under La. R.S. § 45:251(1). Such designation and authority places your company under the control of, and subject to, regulation by the Louisiana Public Service Commission pursuant to La. R.S. § 45:252, and, functioning as an instrumentality of the government, subject to the Louisiana Public Records Act.

This request includes, but is not limited to:

- all records relating to acquiring of easements or rights of way through, or expropriation of, private property in connection with the proposed Bayou Bridge Pipeline (“the proposed pipeline”);

¹ See http://energytransfer.com/ops_bayou_bridge.aspx; See also, *New Orleans Bulldog Soc’y v. La. SPCA*, 222 So. 3d 679, 685 (La. 2017) (private non-profit corporation subject to Public Records law when functioning as an instrumentality of a municipal corporation).

- all records relating to communications with local, parish, state, and federal agencies and/or officials, including law enforcement agencies and regulatory or permitting agencies, concerning the proposed pipeline, including opposition thereto;
- all records relating to public opposition to the proposed pipeline, including individuals and organizations opposing the pipeline, including any records of surveillance or other operations concerning opponents by private security companies such as TigerSwan, or others;
- all records relating to communications with officials, staff, or entities affiliated with Louisiana State University, including David Dismukes, and the Center for Energy Studies;
- all records relating to public relations messaging about the pipeline, including safety concerns, and communications with public relations and public affairs consultants or agents, journalists, media, spokespeople, and lobbyists;

“Record(s)” as used herein includes, but is not limited to, all Records or communications in written or electronic form (including metadata), such as correspondences, calendars, calendar entries, agendas, itineraries, event programs, call logs, voice mails, phone messages, emails, text messages, messages through social media accounts such as Facebook or Twitter, documents, data, videotapes, audio tapes, faxes, files, receipts, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, legal opinions, protocols, reports, rules, talking points, technical manuals, technical specifications, training manuals, studies, or any other Record of any kind.

“Communication(s) means the transmittal of information whether facts, ideas, inquiries or otherwise.

We ask that you produce these records electronically.

La. R.S. § 44:32(D) of the Louisiana Public Records Act requires a response to this request within three (3) business days, exclusive of Saturdays, Sundays, and legal holidays. If these records will not be produced in three business days, please notify us in writing immediately and explain the reasons why.

If the records are not currently in your possession, please notify us in writing, and provide any and all information about where and with whom the records may be found, requested, viewed or copied, and/or when they will become available to your office.

The undersigned are entitled to a waiver of fees as disclosure of these requested records is in the public interest and for a public purpose. This information is not being sought for commercial purposes.

If you deny any part of this request, please cite each specific exemption to the Louisiana Public Records Law that you have determined justifies the refusal to produce the records. Please feel free to contact me at any time using the contact information above. Thank you for your time and consideration.

Sincerely,



Pamela C. Spees
Senior Staff Attorney
Center for Constitutional Rights
t: 212 614 6431
e: pspees@ccrjustice.org

William P. Quigley
Professor of Law
Loyola University, New Orleans
College of Law
t: 504 710 3074
e: quigley@gmail.com

Exhibit C



8555 UNITED PLAZA BOULEVARD
BATON ROUGE, LOUISIANA 70809-7000
225-248-2000
FAX 225-248-2010
www.joneswalker.com

James C. Percy
Direct Dial 225-248-2130
Direct Fax 225-248-3060
jpercy@joneswalker.com

December 15, 2017

Ms. Pamela C. Spees
Senior Staff Attorney
Center for Constitutional Rights
pspees@ccrjustice.org

Professor William P. Quigley
Loyola University, New Orleans
quigley@gmail.com

Re: Letter of December 6, 2017 re: "Public Records" request

Ms. Spees and Professor Quigley:

I am writing in response to your December 6, 2017 letter (served on Bayou Bridge Pipeline, LLC and Energy Transfer Partners on December 12, 2017) in which you seek to compel the production of certain information as "public records" under Louisiana Revised Statutes 44:1 *et seq.* In particular, you claim that because one or both of these entities are "under the control of, and subject to, regulation by the Louisiana Public Service Commission," the entities are thereby "instrumentalities of government" that are subject to the Louisiana Public Records Act.

Please be advised that we fundamentally disagree that Bayou Bridge or Energy Transfer Partners is subject to the Public Records Act in the manner that you have described, nor is either entity obligated to produce the records requested.

Very truly yours,


James C. Percy

JONES WALKER LLP

ALABAMA * ARIZONA * DISTRICT OF COLUMBIA * FLORIDA * GEORGIA * LOUISIANA * MISSISSIPPI * NEW YORK * OHIO * TEXAS

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Defendants.

Filed: _____

Deputy Clerk _____

**RULE TO SHOW CAUSE WHY DEFENDANTS SHOULD NOT BE ORDERED
TO PRODUCE PUBLIC RECORDS IN ACCORDANCE
WITH THE PUBLIC RECORDS ACT**

Considering the foregoing Petition for Writ of Mandamus:

IT IS HEREBY ORDERED that Defendants show cause on the ____ day of _____, 2018 at _____ .m., why they should not be ordered to provide the records sought by Plaintiff in this matter;

IT IS FURTHER ORDERED that Defendants further show cause on the above stated date and time why judgment should not be rendered against them for attorney's fees and costs of this civil action, as well as any civil penalties provided for by law.

Baton Rouge, Louisiana, this ____ day of _____, 2018.

District Judge