UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

INCLUSIVE LOUISIANA; MOUNT TRIUMPH BAPTIST CHURCH; RISE ST. JAMES, by and through their members	* * *	**CIVIL ACTION NO.: 2:23-cv-00987**
VERSUS	* *	JUDGE: CARL J. BARBIER
ST. JAMES PARISH; ST. JAMES PARISH COUNCIL; ST. JAMES PARISH PLANNING COMMISSION	* * *	MAG. JUDGE JANIS VAN MEERVELD

MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

MAY IT PLEASE THE COURT:

Defendant, St. James Parish, on behalf of itself and its branches and divisions, the St. James Parish Council and St. James Parish Planning Commission (the "**Parish**" or "**Defendant**"), herein files this Opposition to the Motion for Temporary Restraining Order filed by Plaintiffs, Inclusive Louisiana, Mount Triumph Baptist Church, and RISE St. James (collectively "**Plaintiffs**"), [Doc. 132], and request that after consideration of the following information, this Honorable Court deny Plaintiffs' Motion for a Temporary Restraining Order ("**Motion**").

Plaintiffs have no standing and improperly request an indefinite restraining order without a corresponding request for a preliminary injunction. Plaintiffs' Motion also fails to establish any requirements for a temporary restraining order under Federal Rule of Civil Procedure 65. Most notably, there is no irreparable injury because the alleged harms are hypothetical, future harms which have not occurred. This Court should deny the Motion.

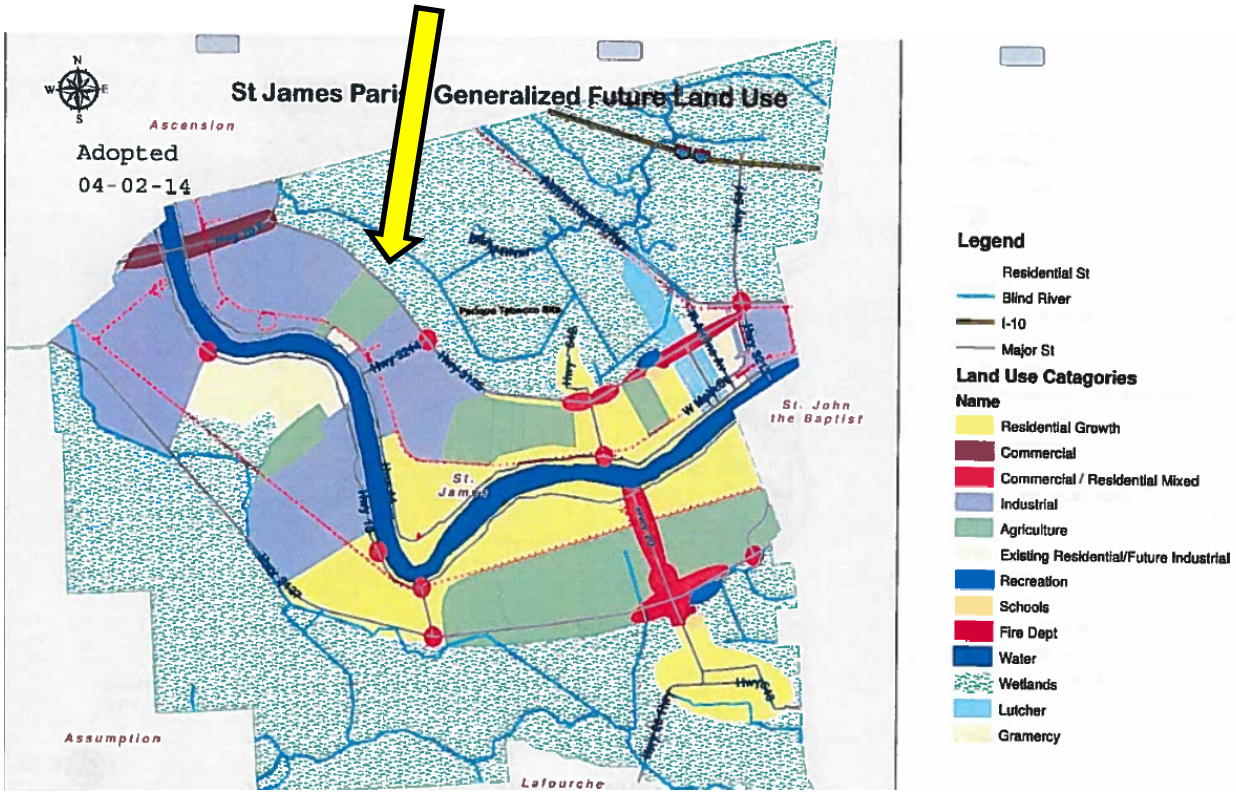
I. FACTUAL BACKGROUND

Plaintiffs seek to usurp the legislative process of St. James Parish (the "**Parish**") by attempting to overturn a decision of the St. James Parish Council (the "**Parish Council**"). The

Parish Council is the duly elected governing body of the Parish and is authorized by the Home Rule Charter provision of the La. Constitution of 1974, Art. 6, Section 5. Instead of challenging the merits of an individual land use decision, Plaintiffs have now prematurely raced to federal court in the hopes of having this Court enforce its will over the will of the duly elected representatives on the Parish Council.

On April 2, 2014, the Parish Council adopted the Land Use Plan. Ordinance 14-03, April 2, 2014. Doc. 132-5, pp. 35-42. In the Land Use Plan, an area on the east bank of the Mississippi River within District 4 was designated as agricultural (the "**Agricultural Area**"). See Figure 1.

Figure 1

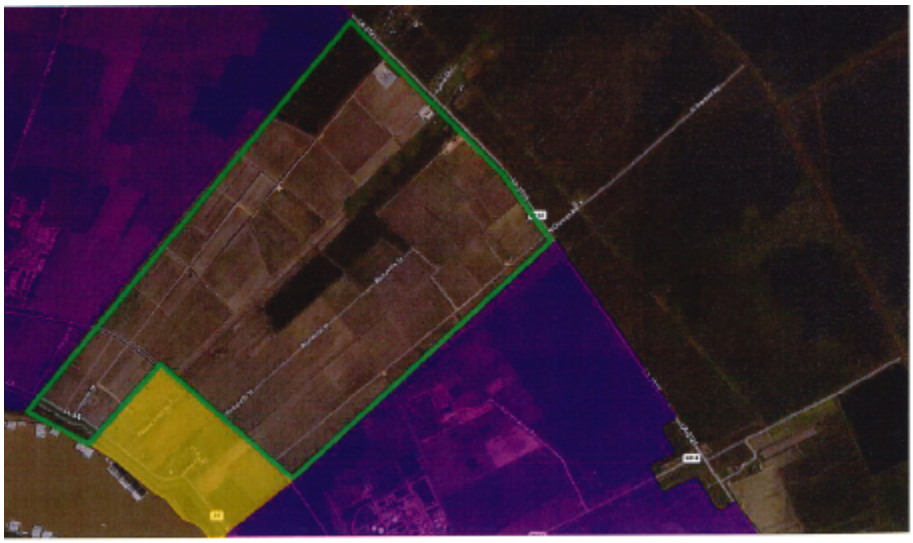


Doc. 132-5, p. 41. The Agricultural Area is bordered on the upriver and downriver sides by Industrial areas. In 2014 and now, industrial facilities were located within the two Industrial areas: Nucor in the upriver area and Occidental Chemical (OxyChem) in the downriver area. Importantly, it is the Parish's understanding that **no one resides within the Agricultural Area.**

According to Ryan Louque, a member of the Parish Council, the Land Use Plan "when adopted in 2014 erred on the current designation of this particular property in question. In my opinion, it should have been Industrial." June 17, 2016, Parish Council Public Hearing Audio, attached as Exhibit "B".

On May 18, 2026, the St. James Parish Planning Commission (the "**Planning Commission**") proposed to change the designation of the Agricultural Area to Industrial "to match the land use designation of the parcels downriver and upriver of the area." May 18, 2026, Planning Commission Agenda, attached as Exhibit "D". The Planning Commission unanimously recommended the change to the Parish Council.

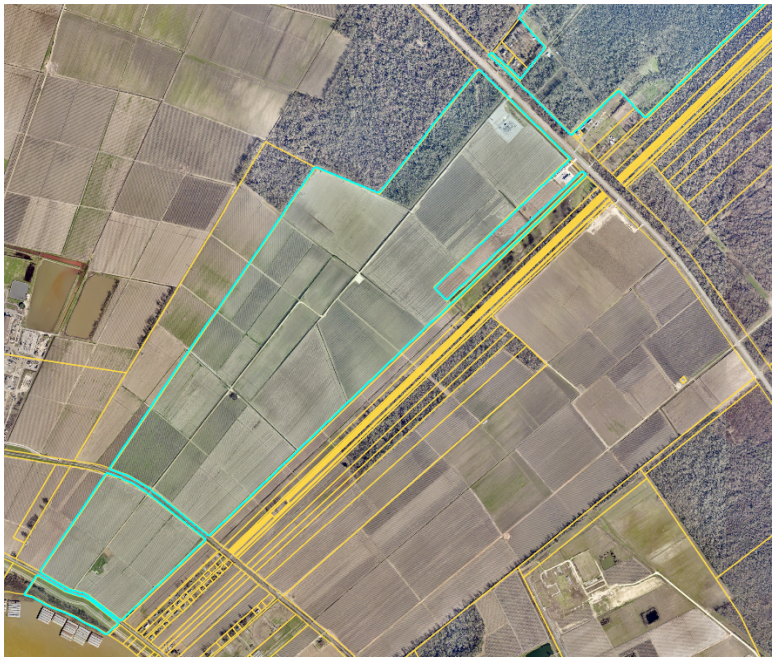
On May 20, 2026, an ordinance was introduced in the Parish Council to change the designation of the Agricultural Area to Industrial, as illustrated below, to hold two public hearings on the proposed ordinance, and publish public notices.



Attachment A to Proposed Ordinance

Doc. 132-5, pp. 2-4. The Parish Council scheduled public hearings for June 3, 2026, and June 17, 2026. All seven members of the Parish Council voted unanimously to move forward with the public hearings.

The Agricultural Area has two main landowners: St. James Parish (760.43, 20, and 11.11 acres) and Parkview Land Company, LLC (803.57 and 68 acres).[1]



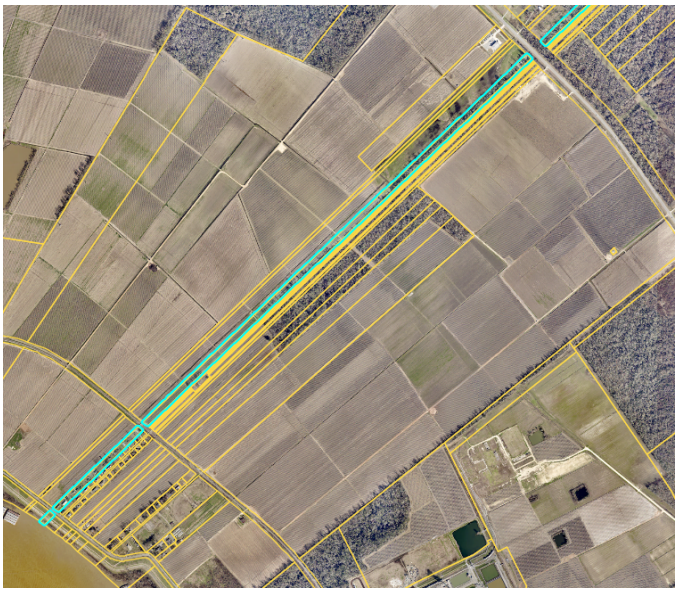
St. James Parish's 760.43 acres depicted by the St. James Parish Tax Assessor's Map.



Parkview Land Company's 803.57 acres depicted by the St. James Parish Tax Assessor's Map.

[1] Accessible at https://stjamesgis.maps.arcgis.com/apps/instant/sidebar/index.html?appid=01374e4601bb44c18157d54eabe4c03c.

There are a few smaller landowners within the Agricultural Area, including R&F Properties, L.L.C (64.17 acres), James & Ethelyn Friloux Revocable [Trust] (36.82 acres), Weber J.E. Est. (36.74 acres), Michael J. Gaudet et al (50.19 acres), Stewart Persell Jr. (35.04 acres), St. Rose Farms, Inc. (79.49 acres). In the middle, the Estate of Harriet Jones (the "**Estate**") owns 32.22 acres.



Harriet Jones Estate's 32.22 acres depicted by the St. James Parish Tax Assessor's Map.

Separately, the area along the Mississippi River bordering the Agricultural Area was designated as Existing Residential / Future Industrial is known as Romeville.



Romeville St., Pleasant Hill St., and Hargis St.—collectively Romeville—depicted by the St. James Parish Tax Assessor's map.

On June 1, 2026, Plaintiffs sent a letter to the St. James Parish Council stating: "Should the Ordinance not be withdrawn from the Parish Council's agenda, we intend to take urgent legal action in the relevant litigation in federal court." Doc. 132-5, p. 6-10. Plaintiffs mischaracterized this Court's prior rulings, stating "If allowed to pass, this Ordinance will be yet more evidence of a discriminatory and unlawful land use system that, in the words of a federal court, 'quite literally originated in slavery.' *Inclusive Louisiana v. St. James Parish*, No. CV 23-987, 2026 WL 352793, at *7 (E.D. La. Feb. 9, 2026)." Doc. 132-5, p. 6. However, when this Court utilized the quoted terms it was characterizing how the "Plaintiffs describe a land use pattern." Doc. 118, p. 19. Plaintiffs are fully aware that there is a significant legal difference in a finding that a claim has been pled and a finding that a claim *has been proven*, yet, they mischaracterized this Court's words to confuse the public and imply this Court found that St. James Parish had acted unlawfully. The measure was not withdrawn from the Parish Council's agenda.

On June 3, 2026, and June 17, 2026, the scheduled public hearings were held. *See* June 3, 2026, Audio, attached as Exhibit "A"; June 17, 2026 audios attached as Exhibits "B" and "C"; June 3, 2026, Agenda with attachments, attached as Exhibit "E"; June 17, 2026, Agenda with attachments, attached as Exhibits "F". Verbal and written comments in support and opposition were provided to the Parish Council and included therein. *See id.* There were numerous comments in support of the change, some of which did not make the formal agenda, copies of which are attached as Exhibit "G" *in globo*. Of particular note, St. James Parish Schools submitted a letter in support, stating that the promotion of responsible economic development helps strengthen the parish school system, the Town of Gramercy passed a resolution in support, and the Mayor of the Town of Vacherie expressed his support at the public hearing. *See id.*

On June 17, 2026, the Parish Council voted to approve the change in Ordinance 26-08 by a vote of 4-3 ("**Ordinance 26-08**" or the "**Redesignation**"), a copy which is attached as Exhibit "H". Ordinance 26-08 does not become effective until five days after publication, pursuant to Article IV, Section B(3)(f) of the St. James Parish Home Rule Charter, which provides: "The effective date of any ordinance shall be prescribed therein, but shall not be earlier than five (5) days after its publication in the official journal." Ordinance 26-08 is scheduled for publication on June 25, 2026, making its earliest effective date June 30, 2026. Thus, there is no basis for the Plaintiffs' feigned emergency.

On June 18, 2026, Plaintiffs filed the current request for a temporary restraining order. Doc. 132. Plaintiffs seek to overturn a duly noticed, legitimate decision of the Parish Council. Plaintiffs claim the Parish Council engaged in an unlawful and discriminatory act when it approved the Redesignation. The members of the Parish Council are the duly elected representatives of the people of the Parish, not just the Plaintiffs' special interest groups, and the Parish Council makes decisions based on the best interests of the Parish as a whole. Indeed, the democratically elected representative for District 4, where the Agricultural Area is located, voted *for* Ordinance 26-08.

II. PLAINTIFFS LACK STANDING ON CLAIMS RELATED TO PLEASANT HILL BAPTIST CHURCH OR THE ESTATE OF HARRIET JONES.

It appears to be a pattern that Plaintiffs ignore standing in a bid to litigate any action of the Parish with which they do not agree, even if the impact is not related to Plaintiffs. Federal law specifically prohibits this type of watchdog litigation.

"It goes without saying that those who seek to invoke the jurisdiction of the federal courts must satisfy the threshold requirement imposed by Article III of the Constitution by alleging an actual case or controversy." *City of Los Angeles v. Lyons*, 461 U.S. 95, 101 (1983) ("We reversed for failure of the complaint to allege a case or controversy. Although it was claimed in that case

that particular members of the plaintiff class had actually suffered from the alleged unconstitutional practices, we observed that '[p]ast exposure to illegal conduct does not in itself show a present case or controversy regarding injunctive relief ... if unaccompanied by any continuing, present adverse effects.' " *Id.* at 102.)

First, Plaintiffs lack standing to bring a claim based on alleged (hypothetical) harms to Pleasant Hill Baptist Church, which Plaintiffs allege will be encircled by industry. Pleasant Hill Baptist Church is not a plaintiff and is not alleged to be a member of Plaintiffs. The only fact alleged connecting the current Plaintiffs to Pleasant Hill Baptist Church is that Ms. Barbara Washington was baptized there as a teenager. Doc. 132-3, p. 2. This is insufficient for the present Plaintiffs to have standing to pursue any claims on behalf of Pleasant Hill Baptist Church.

Second, Plaintiffs do not represent all landowners of the Estate of Harriet Jones. While Barbara Washington co-administers the estate, Ms. Washington, *individually* or as the administrator of the Estate is not a party to this lawsuit. Public filings indicate the estate is co-owned by Tristan LeBlance, Steven LeBlanc, Quentin LeBlanc, Shequilla LeBlanc, and any living heirs of the following: Tom Young, Joe Young, James Young, Mary Young Bradly, Maelia Young Hill, Mariah Young Keys (Keith), Peter Young, Viola Young, Jake Young, Alberta Young, Louisa Young, Mariah Young, John Young, III, Richard Young, or Eula Young. *See* Petition for Appointment of Co-Administrators and Affidavit of Death, Heirship & Jurisdiction, attached *in globo* as Exhibit "I." There are no specific allegations made which detail that the impacted landowners are Plaintiffs in this matter.

Finally, Plaintiffs do not represent *any* of the landowners of the Agricultural Area that was Redesignated. As such, Plaintiffs lack standing to challenge a Redesignation that impacts the property of consenting and supporting non-party property owners.

III. PLAINTIFFS IMPROPERLY REQUEST AN INDEFINITE RESTRAINING ORDER WITHOUT REQUESTING A PRELIMINARY INJUNCTION.

Plaintiffs have filed a motion requesting a temporary restraining order without a hearing and for an indefinite time period. Doc. 132. The Motion, however, does not seek a preliminary injunction, which would require a hearing and which is a necessary component of any request for a temporary restraining order. The Motion is procedurally flawed.

A restraining order is a *temporary* place holder while a federal court sets a preliminary injunction for hearing. Fed. R. Civ. P. 65(b)(3). "A TRO is equitable relief: an emergency, short-term measure designed to preserve the status quo until a comprehensive hearing can be held, in situations where its proponents can make adequate showings on four different factors." *Jackson Fed'n of Tchrs. v. Fitch*, 799 F. Supp. 3d 571, 581 (S.D. Miss. 2025).

> While a TRO, as described above, is an emergency, short-term measure, a preliminary injunction commands or enjoins some conduct by the parties during the pendency of the litigation, until a final decision on the merits actually is reached. Because of this longer-term effect, a preliminary injunction may only be issued upon a greater degree of proof and process.

Id. at 582."[A] temporary restraining order is meant only to 'preserve, for a very brief time, the status quo, so as to avoid irreparable injury pending a hearing on the issuance of a preliminary injunction.' " *Texas v. United States*, 515 F. Supp. 3d 627, 631 (S.D. Tex. 2021) (citing *Norman Bridge Drug Co. v. Banner*, 529 F.2d 822, 829 (5th Cir. 1976)).

Federal Rules of Civil Procedure allow for a **maximus time** for a restraining order of 14 days, with one subsequent 14-day renewal period. Fed. R. Civ. P. 65(b)(2). "An ex parte order that purports to be of indefinite duration is a preliminary injunction rather than a temporary restraining order." *United States v. Holy Land Found. For Relief & Dev*., 445 F.3d 771, 789 (5th Cir. 2006), opinion reinstated in part on reh'g, 493 F.3d 469 (5th Cir. 2007).

Here, Plaintiffs have not properly requested a restraining order-an order that might be placed for up to two weeks while this Court schedules the preliminary injunction hearing. There is no preliminary injunction hearing requested. Plaintiffs have not requested a preliminary or permanent injunction on this issue—meaning there is no end to Plaintiffs' requested restraining order. Plaintiffs are inappropriately attempting to circumvent the standard of a preliminary injunction by attempting to obtain the same relief under the guise of an indefinite temporary restraining order. The entire request is procedurally improper and must be denied.

IV. LAW AND ARGUMENT

A plaintiff must establish four elements to secure a temporary restraining order: (1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the injunction is not issued, (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted, and (4) that the grant of an injunction will not disserve the public interest. *E.g., I v. Alguire,* 647 F.3d 585, 595 (5th Cir.2011).

A temporary restraining order is an "extraordinary remedy and should be granted only if the movant has clearly carried the burden of persuasion with respect to all four factors." *Allied Mktg. Group, Inc. v. CDL Mktg., Inc.*, 878 F.2d 806, 809 (5th Cir. 1989). "The party requesting a temporary restraining order must, through specific facts in an affidavit or verified complaint, clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." *Martono-Chai v. Williams*, No. CV 25-578, 2025 WL 974251, at *1 (E.D. La. Apr. 1, 2025) (citing Fed. R. Civ. P. 65(b)(1)(A)).

The Plaintiffs have not carried their burden to obtain this extraordinary remedy.

A. <u>There Is No Substantial Threat of Irreparable Injury and Potential Injuries Are Speculative.</u>

"A temporary restraining order is not warranted when the movant fails to demonstrate irreparable injury." *Martono-Chai v. Williams*, No. CV 25-578, 2025 WL 974251, at *1 (E.D. La. Apr. 1, 2025). The Fifth Circuit has defined irreparable harm to mean "harm for which there is no adequate remedy at law," such as monetary damages. *Monumental Task Committee v. Foxx,* 157 F. Supp. 3d 573, 583 (E.D. La. 2016) (citing *Daniels Health Scis., L.L.C. v. Vascular Health Scis., L.L.C.*, 710 F.3d 579, 585 (5th Cir.2013)). "The possibility that adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation, weighs heavily against the claim of irreparable harm." *Martono-Chai*, 2025 WL 974251 at *1 (citing *Morgan v. Fletcher*, 518 F.2d 236, 240 (5th Cir. 1975) (citation omitted)).

Importantly, "**injunctions will not be granted merely to allay fears and apprehensions, or to soothe anxieties**." *Monumental Task Comm.,* 157 F. Supp. 3d at 584 (**emphasis** added). Instead, Plaintiffs must show that the "irreparable injury is *likely* in the absence of an injunction." *Id.* at 583 (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). There must be more than "an unfounded fear," and a showing that the threatened harm is "more than mere speculation." *Id.* The U.S. Supreme Court has made clear that for extraordinary relief to be proper, the allegations must establish an imminent injury based on present day conduct. *City of Los Angeles v. Lyons*, 461 U.S. 95, 102–03 (1983).

Here, Plaintiffs must show that the Redesignation would cause irreparable injury to Plaintiffs. Plaintiffs claim that the Ordinance 26-08 turns the entire area into an "Industrial Sacrifice Zone." Plaintiffs focus on the three features within the former Agricultural Area: the Pleasant Hil Cemetery, the Colomb Plantation Cemetery, and the Estate of Harriet Jones. They also focus on the Romeville area (the Existing Residential/ Future Industrial area). However, the

mere fact that a change to the Land Use Plan has been made does not create actionable harm or injury as to any of these features. Plaintiffs allege harms and concerns that are speculative, premature, and hypothetical, based on speculative future acts.

1. <u>The former Agricultural Area remains in agricultural use as redesignation alone does not change any land use.</u>

The land within the former Agricultural Area remains in agricultural use today and will continue to do so on July 1, 2026, after the Redesignation becomes effective. Ordinance 26-08 does not change the current uses of the area nor does it create any current risk of injury or harm.

Plaintiffs have pointed to no current pending land use application within the former Agricultural Area. In fact, Courtney Long, a member of the Parish Council, indicated in the June 17, 2026, Parish Council Meeting, that there were no applications pending, a fact confirmed by the Parish President. *See* Exhibit B. Any potential injury for a change in land use is completely speculative. Indeed, an application may never be filed or may be filed years from now.

However, if an application is filed, the character of the former Agricultural Area cannot be altered from actual agricultural use to industrial use without approval of the Planning Commission and/or the Parish Council. To alter the current agricultural use into an industrial use, an application must be submitted, public hearings must be held, and the Planning Commission and/or the Parish Council must take action on the merits of the individual application. This process allows the Parish to impose protective remedies to address possible harms. **None of that has occurred**. This process is designed with numerous safeguards to prevent Plaintiffs' hypothetical harms.

First, "conditions on such approval which, in the reasonable discretion of the planning commission, would minimize adverse impacts and be beneficial to the public" may be established. St. James Parish Code, Section 83-25(i)(1). Most land use approvals include conditions, such as monitoring, reporting, and other safeguards. Second, the Parish "shall affirmatively consider the

public need for buffer zones in accordance with subsection (j) of this section, and shall either condition its approval on the creation and maintenance of an appropriate buffer zone, or shall adopt a finding that such a buffer zone is not required." St. James Parish Code, Section 83-25(i)(2). Thus, the Parish may establish an appropriate buffer zone between any industrial use and any residents.

An example is found in the Parish Council's Resolution 19-07 regarding FG LA LLC ("**FG**"), a copy which is attached as Exhibit "J". The Parish Council imposed a three-hundred foot buffer, required FG to participate in providing free health screening, required beautification around the facility to screen the facility from residential areas, required air monitoring around the eastern property boundary (the area closest to the residents of Welcome), and required reporting of the air monitoring results.

There is no application pending with the Parish, the Planning Commission, or the Parish Council to locate an industrial facility in the former Agricultural Area. The Planning Commission or the Parish Council may impose stringent conditions on the facility to minimize any possible harms and/or impose a buffer zone *if* an application is filed. Until such time as an actual application is submitted and the unknowns are reduced, it is factually and legally impossible to find that any future development will cause any harm—and certainly not irreparable harm—to these Plaintiffs.

2. The cemeteries remain undisturbed and cannot be altered without following statutory protocols.

Plaintiffs allege the Parish's actions devalued and disregarded alleged burial sites and created property and health-related harms. Plaintiffs intimate that the Pleasant Hill Cemetery and the Columb Plantation burial site will be injured or harmed. They claim that these sites will be redesignated into an "industrial sacrifice zone." This is false. Again, Plaintiffs ignore the present facts and occurrences. *No actions are being taken on the redesignated land. No alleged burial sites*

are being disturbed. No construction has been considered or approved. The mere Redesignation does not impact the alleged burial sites.

Even if an application is filed, these sites are protected by federal and state law. Unlike many sites discussed in the Complaint, these two sites are known. Any person seeking to develop the property for any reason (residential, commercial, or industrial) must ensure that there are no areas of cultural or historic significance within the area of development. *See*, e.g., Section 106 of the National Historic Preservation Act, 54 U.S.C. §306108 (generally requires agencies administering permit programs to "take into account the effect of the undertaking on any historic property"), the Louisiana Unmarked Human Burial Sites Preservation Act, La. R.S. 8:671, *et seq.*, Louisiana Historic Cemetery Preservation Act, La. R.S. 25:931, *et seq*. These federal and state protections provide an adequate remedy to protect these cemeteries or burial sites. This was true before the Redesignation and remain true after the Redesignation. It is highly speculative to assume that a developer will be permitted to ignore these laws.

Finally, Plaintiffs acknowledge that the Columb Plantation burial site is "on land currently owned by St. James Parish." Doc. 132-1, p. 13 of 28. The Parish is aware of these laws and the obligations imposed on it as a landowner pursuant to these laws. As noted, there are no applications at this time that would impact this area. Thus, any alleged injury or harm is entirely speculative and falls far short of the burden required of the Plaintiffs.

3. <u>The Estate of Harriet Jones remains under its current ownership.</u>

The Plaintiffs also intimate that the Estate of Harriet Jones, part of which is located within the former Agricultural area, will be injured or harmed and/or that it will be redesignated into an "industrial sacrifice zone." This is false.

The Ordinance does not change private property rights. Any intimation to the contrary is patently false. The owners of the property characterized as the Estate still own the property after the Redesignation. Each individual property owner within the former Agricultural area retains any and all property rights to that property and the Estate will continue to own any of the property which it owned before. Critically, the Estate may refuse to sell any of the property and control and maintain the characteristics of the property as it sees fit. The Estate is not at risk of harm and is protected, by law, from the harms alleged by the Plaintiffs.

4. Romeville remains in the Existing Residential/ Future Industrial Area and was not Redesignated.

Plaintiffs argue the Parish's action "furthers the erasure of a community in Romeville formed by a remarkable group of freedpeople soon after Emancipation," and blatantly ignores that the Redesignation does not change the current uses of the land compromising Romeville. The Parish did not approve an application for construction or approve a sale of any property. The land surrounding Romeville on June 29th under its "agricultural" designation will be put to the same use on June 30th when it is redesignated. There will be no new business, no new construction, no new landowners, and no new alleged environmental impact as a result of the Redesignation.

Plaintiffs present a narrative that is based around the feared impact to Romeville of this Redesignation. However, Plaintiffs admit that the Ordinance does not "formally redesignate" the Existing Residential / Future Industrial area (i.e., Romeville), as it is not in the area being redesignated. Doc. 132-1, p. 15 of 28. None of the features within the Existing Residential / Future Industrial area will be changed in any way by Ordinance 26-08. The closed Romeville school, the Romeville public park, Pleasant Hill Baptist Church, and the Inclusive Community Hub are NOT within the proposed Industrial aera. Doc. 132-1, p. 7 of 28 (Figure 2). Thus, these areas have not

been redesignated and the Plaintiffs admit that there is no present or even future harm to this area from Ordinance 26-08.

Opponents expressed fears that, at some undetermined time in the future, a company *may* seek to locate a plant in the former Agricultural Area, which would impact the Existing Residential / Future Industrial area. However, the anxieties, fears, or apprehensions that opponents may feel about what may occur in the future are not enough to support injunctive relief. *Monumental Task Comm., Inc. v. Foxx*, 157 F. Supp. 3d 573, 584 (E.D. La. 2016), *aff'd sub nom. Monumental Task Comm., Inc. v. Chao*, 678 F. App'x 250 (5th Cir. 2017). Any development within the Existing Residential / Future Industrial or the Redesignated Industrial area will be subject to the Land Use Plan, including provisions allowing the governing authority to determine the appropriate imposition of buffer zones, monitoring, and/or other necessary safeguards.

B. Plaintiffs Have Not Shown They Will Succeed On The Merits.

Plaintiffs assert that the Ordinance violates the Thirteenth Amendment, the Louisiana Constitution, and RLUIPA. Plaintiffs will not succeed on the merits of these claims.

1. No violation of the Thirteenth Amendment is present.

Plaintiffs must show that the proposed ordinance and *this specific redesignation* is a "badge or incident of slavery." The Redesignation of a swatch of uninhabited agricultural land from "Agricultural" to "Industrial" does not impose "legal restrictions . . . on the civil rights of freed slaves," constitute "public and private . . . racially motivated violence," or constitute a restriction upon freed slaves or their descendants "to mark them as a subordinate brand of citizens." Doc. 118, pp. 10-11. Even under all modern interpretation of the "badge or incident of slavery," Plaintiffs' allegations regarding a land use decision by a local democratically represented body does not present a violation of the Thirteenth Amendment.

The Supreme Court has specifically rejected Plaintiffs' claim of stigmatic harm based on this land use decision, stating: "a regulation's adverse impact on a particular neighborhood will often have a disparate effect on an identifiable ethnic or racial group. To regard an inevitable consequence of that kind as a form of stigma so severe as to violate the Thirteenth Amendment would trivialize the great purpose of that charter of freedom." *City of Memphis v. Greene*, 451 U.S. 100, 128 (1981). A facially neutral zoning ordinance, even one that might disparately impact minorities, is not a "badge or incident of slavery" subject to protections under the Thirteenth Amendment. In *Palmer v. Thompson*, the Supreme Court rejected the notion that a city council decision to close a public pool was a "badge or incident" of slavery as a violation of the Thirteenth Amendment, finding to hold such "would severely stretch its simple words and do violence to its history." 403 U.S. 217 (1971). Importantly, the Supreme Court stated: "[e]stablishing this Court's authority under the Thirteenth Amendment to declare new laws to govern the thousands of towns and cities of the country would grant it a law-making power far beyond the imagination of the amendment's authors." *Id.* at 226–27.

Plaintiffs again mischaracterize this Court's prior ruling stating that if Plaintiffs can establish that St. James Parish has a legacy of siting industrial facilities exclusively in predominately Black districts of the Parish, this will be a badge or incident of slavery. Doc. 132-1, p. 16. This incomplete summary ignores the crucial element of *discriminatory racial intent*.

This Court has previously found that Plaintiffs' claim under the Thirteenth Amendment is brought under 42 U.S.C. 1983 and 42 U.S.C. 1981. Doc. 118, p. 13. The operative wording of § 1981 states: "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is

enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other." 42 U.S.C. 1981 (a).

> Generally, to establish a *prima facie* case of discrimination under § 1981, a plaintiff must prove by a preponderance of the evidence " '(1) that [he] is a member of a racial minority; (2) that [the defendant] had intent to discriminate on the basis of race; and (3) that the discrimination concerned one or more of the activities enumerated in the statute.' " *Powell v. Zurich Am. Ins. Co.*, 653 F. App'x 292, 297 (5th Cir. 2016) (quoting *Arguello v. Conoco, Inc.*, 330 F.3d 355, 358 (5th Cir. 2003)).

Isidore v. Westport Linen Servs., LLC, No. CV 25-410, 2025 WL 3240425, at *3 (E.D. La. Nov. 20, 2025), *aff'd sub nom. Isidore v. Westport Linen Servs., L.L.C.*, No. 25-30745, 2026 WL 1497435 (5th Cir. May 28, 2026).

"Without direct evidence of discriminatory rationale, it is incredibly difficult to prove intentional discrimination." *Billiot v. Terrebonne Par. Sch. Bd.*, No. CV 21-1144, 2021 WL 12344319, at *2 (E.D. La. July 14, 2021) (citing *Smith v. Henderson*, 54 F. Supp. 3d 58, 68-69 (D.D.C. 2014)). To "establish discriminatory intent, a plaintiff must show 'that the decision maker singled out a particular group for disparate treatment and selected his course of action at least in part for the purpose of causing its adverse effect on an identifiable group.'" *Id.* (citations omitted). To a present request for summary relief, the plaintiff must present evidence "showing that such discriminatory intent **is present today** or that **the decision that led to [the alleged racial decision] was related to any historical discriminatory policy**." *Id.* at *3.

Here, Plaintiffs have not established that St. James Parish "had intent to discriminate on the basis of race" in approving the Redesignation. There is simply no support to find that Parish voted to approve the Redesignation for the purpose of causing adverse effects on, to "devalue," or to "degrade" Black citizens.

2. The Louisiana Constitution does not support Plaintiffs' request.

Plaintiffs allege this redesignation would "allow industrial plants to overtake culturally significant parts of the majority-Black Romeville." This is logically false as the Redesignation itself did not include the consideration of any industrial construction and Romeville is not in the area redesignated. There is no tangible showing that the Redesignation has altered or changed in any way "sites of deep significant to their members' cultural origins".

No case supports the assertion that the mere change from an agricultural designation to an industrial designation violates the "right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins …." La. Const. art. XII, § 4. This is particularly true here where the land use is not changing, only the category of the land use designation for a particular area. All property rights within the former Agricultural Area are preserved and retained.

In *Billiot v. Terrebonne Par. Sch. Bd.*, No. CV 21-1144, 2021 WL 12344319, (E.D. La. July 14, 2021), the Plaintiffs sought a temporary restraining order. Therein, parents sued the school district based on the school district's decision to close a school. The parents argued the decision—which was within the authority of the school board—discriminated against a portion of the school's attendees, namely French speaking students. The parents also argue that the parents had petitioned the school board twice to take its requested action of establishing a French program, on which the school board had not acted. The parents brought a claim under the Louisiana Constitution, Article XII, Section 4 challenging a local government's decision allegedly affecting historic linguistic and cultural origins of the Cajun people, which was the original impetus of the language in this constitutional provision, Article XII Sec. 4. This Court denied the motion, finding that the parents had "failed to elaborate on how this constitutional provision applies to their case or provide any authority regarding its application." *Id.* at *3. The same finding is warranted here.

Here, Plaintiffs' claims are even more attenuated and similarly lack support. It is undisputed that the majority of the Agricultural Area has been in commercial farming for years and this continues today. The properties current use has not changed and there is basis for any claim that the Redesignation has any cognizable impact on the Plaintiffs' ability to "preserve, foster, and promote their respective historic linguistic and cultural origins."

3. RLUIPA is not implicated where there are no changes in land use.

For a discrimination claim under the Religious Land Use and Institutionalization Persons Act of 2000 ("**RLUIPA**"), RLUIPA states: "No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination." 42 U.S.C. § 2000cc (b)(2). "[L]and use regulation" is defined by RLUIPA as "a zoning or landmarking law, or the application of such a law, that limits or restricts **a claimant's** use or development of land (including a structure affixed to land), **if the claimant has** an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest." 42 U.S.C. §2000cc-5(5) (**emphasis** added). A "claimant" is "a person raising a claim or defense under" RLUIPA. 42 U.S.C. 2000cc-5(1).

A majority of Plaintiffs' argument regards occurrences in the past which have *nothing* to do with the Redesignation or its terms. This restraining order is based on Ordinance 26-08 and assertions regarding the 2014 Land Use Plan are inapplicable to this analysis. The only argument related to the present allegation that Plaintiffs make is that "Ordinance [26-08] is just the latest example of this practice: the area that the Parish is designating for industrial use is just 0.3 miles from Pleasant Hill Baptist Church." As stated above, Plaintiffs lack standing to bring a RLUIPA claim based on alleged (hypothetical) harms to Pleasant Hill Baptist Church or any of the Agricultural Area, as Plaintiffs do not represent those land owners.

Plaintiffs do not point to anything in Ordinance 26-08 that "discriminates against any assembly or institution on the basis of religion or religious denomination" as required. 42 U.S.C. § 2000cc (b)(2). The Inclusive Community Hub is not in the land that is being redesignated, meaning there is no supported allegation of impacting assembly at the Hub.

Also, the Columb Plantation burial site[2] may still be accessed as before. The land's use, access, and purpose are not impacted or changed by the Redesignation. The change in designation from Agricultural to Industrial does not impair, impede, impact, or burden (much less substantially) the "religious exercise" of any person.

Also, Plaintiffs assert that "[i]f not enjoined, the Ordinance will continue the discriminatory pattern of allowing industrial facilities within 2 miles of historic, Black, Baptist Churches, denying them the buffer zones that have benefited white Catholic churches." Again, this Redesignation is not an allowance of an industrial facility within 2 miles of a church, as *no industrial construction was considered or approved.* Similarly, no buffer zones have been denied as *no industrial construction was considered or approved.*

C. The Threatened Injury to Plaintiffs does not Outweigh the Harm to the Parish if the Restraining Order is Issued.

The harm to the Parish in issuing a restraining order is to usurp the democratic process of a local zoning authority because a few constituents are unhappy with the way the vote—taken by members representing every part of the Parish—turned out.

"Zoning is a legislative function. The authority to enact zoning regulations flows from the police power of the various governmental bodies." *Palermo Land Co. v. Plan. Comm'n of Calcasieu Par.*, 561 So. 2d 482, 491 (La. 1990). The Louisiana Supreme Court elaborated, stating:

[2] Federal and state laws preserve these sites and any developer or land use must adhere to these preservation laws.

> The differing needs of each parish, according to its size, population, level of industrial and commercial development, and the rapidity of growth of such development, will naturally result in different planning and zoning regulations in each parish. The need for change through rezoning or reclassification will depend on the same factors, thus rezoning decisions are properly left to those officials who are most familiar with the needs of each community.

Id. at 492. "The presumption of validity attached to zoning ordinances is a well established principle of law in Louisiana." *Id.* at 491.

This is also egregious because the *elected* representative for District 4 voted affirmatively for the Redesignation. As the Louisiana Supreme Court has explained, "It is not the province of the courts to take issue with the council. We have nothing to do with the question of the wisdom or good policy of municipal ordinances. If they are not satisfying to a majority of the citizens, their recourse is to the ballot—not the courts." *Palermo Land Co. v. Plan. Comm'n of Calcasieu Par.*, 561 So. 2d 482, 491 (La. 1990) (*citing State ex rel. Civello*, 97 So. 440, 444 (1923)). As this Court has stated previously, "[m]atters such as land use are of local concern and are best left to the province of the states to decide." *Petroplex Int'l v. St. James Par.*, 158 F. Supp. 3d 537, 544 (E.D. La. 2016) (dismissing plaintiffs' state law challenges to Land Use Plan). In other words, the harm is the usurpation of the Parish's ability to participate in democratic decisions when the outcome is disfavored by a small, litigious group supported by national interests groups.

D. <u>The Requested Restraining Order will Disserve the Public Interest.</u>

Plaintiffs are using the request for a TRO as part of its litigation strategy to sidestep local legislative processes and circumvent the administrative processes in place. Allowing a thwarting of these publicly establish authorities and separation of powers would be a grave disservice to the public and St. James Parish. Essentially, Plaintiffs want the Parish to stop all land use planning and decisions while its allegations are pending, requesting a years-long interference with democratic government that is unjustifiable and unconstitutional.

Further, issuing a TRO as prayed for by the Plaintiff has no positive impact on the public as the complained of behavior does not involve the public at large. One co-landowner for the estate of Harriet Jones, spoke out against Redesignation. However, there were many voices in support. *See* Exhibit G. Support for Ordinance 26-08 was submitted by the St. James Parish Schools Board, Town of Lutcher, Town of Gramercy, River Regional Chamber of Commerce, Industry makes, and numerous individual citizens of the Parish. *See* Exhibit G. In fact, several citizens submitting public comments made clear that Plaintiff RISE St. James and the Plaintiffs do not speak for them or represent their viewpoints:

- "I also humbly request that a decision not be influenced or persuaded by anyone or any group which are not residences of this parish."
- "I am emailing my support against the efforts of Rise St. James regarding their anti industry campaign. I am in full support of industry in our parish and recognize the importance of both the jobs and tax revenues generated to continue public services. I'm hoping our parish counsel doesn't buy into the false narrative being spun by paid protesters."
- "We must take action against these opposition groups that are funded to do nothing but keep industries and jobs coming to St. James Parish."
- "We need to fight for our parish and oppose the self-serving paid protesters."
- "For too long, important economic opportunities have been delayed, challenged, or blocked by outside activist groups whose priorities do not necessarily reflect the needs and wishes of the people who call St. James Parish home. The parish has lost valuable opportunities for economic growth, job creation, and tax revenue because of the injunction, lawsuits, and other efforts aimed at preventing industrial development."

Exhibit G.

Plaintiffs' Motion gives the false impression that, of the land redesignated, a majority of the land is owned by its members. A majority of the Agricultural Area is owned by two major land owners: 1) St. James Parish, and 2) Parkview Land Company, LLC. These two major landowners supported the redesignation. *See* Declaration of Ricky Roussell, attached as Exhibit "K". Other

landowners also supported the Redesignation. *See* Declaration of Paul J. Friloux, Mark S. Hymel, Michael J. Gaudet, attached as Exhibit "L" *in globo.* The Parish Council was supported in approving the Redesignation by a majority vote.

Thus, this factor supports denying Plaintiffs' Motion to curb abuses of the litigation process to allow a small group of citizens to force a result not achieved in the democratic process.

E. The Court Should Require Security.

Granting Plaintiffs' request for a TRO will harm the Parish's ability to maintain normal operations. Plaintiffs have made no showing of its financial status to justify an indefinite interference with the democratic process of local government. Despite asserting Plaintiffs "possess limited financial resources and would be unable to pay a substantial bond," Plaintiffs provide no documents or evidence to support this assertion.

In 2023, the Louisiana Bucket Brigade reported give $353,213 to RISE St. James. *See* 2023 Form 990, attached as Exhibit "M". The Parish has reason to believe RISE St. James is fiscally sponsored by Earth Island Institute,[3] a Berkeley, CA-based organization which has received funding from groups such as the Rockefeller Foundation, the MacArthur Foundation, the Schmidt Family Foundation, the Tides Foundation, and the Open Society Foundation. Earth Island reported spending over $30,000,000 in 2024 on its interest projects, which included RISE St. James.[4] The Parish has reason to believe a vast majority of RISE's funding comes from out of state sources.[5]

[3] https://www.earthisland.org/index.php/advocates/suit/st-james-parish ("Rise St. James, a fiscally sponsored project of Earth Island,")

[4] https://www.earthisland.org/assets/EII-990+990T-2025.pdf

[5] https://www.nytimes.com/2023/09/20/climate/michael-blooomberg-climate-petrochemicals.html ("'It's a very expensive fight,' she said. 'So that Bloomberg money has helped.' Mr. Bloomberg and Ms. Lavigne declined to say how much money he had contributed to the effort."); https://www.rwnfoundation.org/grant-stories/louisiana-bucket-brigade-2/; https://pelicanpolicy.org/wp-content/uploads/2026/03/Barriers-to-Louisiana-Energy-Dominance-Paper.pdf (reporting $616,463.00 to RISE St. James and $290,000.00 to Inclusive Louisiana in reported out-of-state donations since 2020).

Without a verified showing that Plaintiffs have had limited finances for several years—contrary to many public reports—Plaintiffs' assertion should not be credited.

At a minimum, Plaintiffs should provide its financial documents for review. The Parish requested Plaintiffs' financials via a request for production on June 19, 2026. The Parish request 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.

V. CONCLUSION

Defendant, St. James Parish, on behalf of itself and its branches and divisions, the St. James Parish Council and St. James Parish Planning Commission, prays that this Honorable Court deny Plaintiffs', Inclusive Louisiana, Mount Triumph Baptist Church, and RISE St. James, Motion for Temporary Restraining Order. Defendant also respectfully prays for an award of all costs and fees associated with filing this motion, and any other relief the Court may deem appropriate.

RESPECTFULLY SUBMITTED,
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