

**NINETEENTH JUDICIAL DISTRICT COURT**  
**PARISH OF EAST BATON ROUGE**  
**STATE OF LOUISIANA**

**LOUISIANA BUCKET  
BRIGADE,**

Civil Action No. 664293

Plaintiff,

v.

SEC. 23

**OFFICE OF THE GOVERNOR, and  
MATTHEW BLOCK, Custodian of Records,**

Defendants.

Filed: \_\_\_\_\_

Deputy Clerk \_\_\_\_\_

**AMENDED PETITION FOR WRIT OF MANDAMUS  
UNDER THE LOUISIANA PUBLIC RECORDS ACT**

**SUMMARY PROCEEDING**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, the Louisiana Bucket Brigade, who respectfully requests, 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, that this Court issue a Writ of Mandamus directing the Office of the Governor and Matthew Block, Custodian of Records, to provide Plaintiff with public records in his possession. Plaintiff respectfully requests 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.”<sup>1</sup>

In support of this petition, Plaintiff states the following:

**INTRODUCTION**

1. The public records requested in this matter relate to issues of immediate, pressing, and significant public concern with local and national dimensions. As reported in local, state, and national media, the proposed Bayou Bridge Pipeline has been the subject of intense controversy and debate.<sup>2</sup> Likewise, the companies pursuing the project – Energy Transfer Partners (“ETP”),

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<sup>1</sup> See also La. C. C. P. art. 2591, 2595.

<sup>2</sup> See, e.g., David J. Mitchell, *St. James Parish Council narrowly approves land use needed*

Sunoco Logistics, and Phillips 66 – have been the subjects of extensive reporting and controversy, given their record of leaks, environmental damage, safety concerns, and, in the case of ETP, the controversial conduct of its operations in North Dakota during the construction of the Dakota Access Pipeline (“DAPL”).<sup>3</sup>

2. In addition to concerns about ETP’s handling of the permitting process and pipeline construction, the company also contracted with TigerSwan, LLC, a controversial, private military contractor which urged a counterterrorism approach to pipeline protestors it described as “jihadists” and oversaw the work of other security contractors hired by ETP, while

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*for controversial Bayou Bridge pipeline*, The Advocate, August 23, 2017, [http://www.theadvocate.com/baton\\_rouge/news/article\\_75ce88a4-885e-11e7-b190-2b6288b27150.html](http://www.theadvocate.com/baton_rouge/news/article_75ce88a4-885e-11e7-b190-2b6288b27150.html); Michael Patrick Welch, *Protests escalate over Louisiana pipeline by company behind Dakota Access*, The Guardian, January 15, 2017, <https://www.theguardian.com/environment/2017/jan/15/louisiana-bayou-bridge-pipeline-standing-rock>; Alexander Sammon, *Get Ready for the Trump Pipeline Boom*, Mother Jones, March 1, 2017, <http://www.motherjones.com/environment/2017/03/new-pipeline-protests-nationwide/#>; Sabrina Canfield, *Louisianans Fight Oil Pipeline Through Cancer Alley*, Courthouse News, October 9, 2017, <https://www.courthousenews.com/louisianans-fight-oil-pipeline-cancer-alley/>; KATC.com, *As pipeline co. faces fines for wetlands damage, Bayou Bridge opponents continue calls for environmental study*, October 17, 2017, <http://www.katc.com/story/36620384/as-pipeline-co-faces-fines-for-wetlands-damage-bayou-bridge-opponents-continue-calls-for-environmental-study>.

<sup>3</sup> See, e.g., Yessenia Funes, *In 2 Years, Company Behind DAPL Reported 69 Accidents, Polluting Rivers in 4 States: Energy Transfer Partners is the focus of a new report by a Louisiana-based environmental organization*, Colorlines, Feb. 6, 2017, <https://www.colorlines.com/articles/2-years-company-behind-dapl-reported-69-accidents-polluting-rivers-4-states>; Sam Levin, *Firm behind Dakota Access pipeline faces intense scrutiny for series of leaks: Documents suggest that a major spill from the Rover pipeline in Ohio described as 2m gallons of ‘drilling fluids’ might now be more than twice as large*, The Guardian, May 25, 2017, <https://www.theguardian.com/environment/2017/may/25/energy-transfer-partners-dakota-access-oil-leaks-ohio>; Liz Hampton, *Sunoco, behind protested Dakota pipeline, tops U.S. crude spill chart*, Reuters, September 23, 2016, available at <https://www.reuters.com/article/us-usa-pipeline-nativeamericans-safety-i/sunoco-behind-protested-dakota-pipeline-tops-u-s-crude-spill-charts-idUSKCN11T1UW>; *Phillips 66 pipeline blaze in Paradis ‘could burn for hours, this could go on for days,’* The Advocate, Feb. 9, 2017, [http://www.theadvocate.com/new\\_orleans/news/crime\\_police/article\\_1699947c-ef30-11e6-a25e-c3225fffa4ee.html](http://www.theadvocate.com/new_orleans/news/crime_police/article_1699947c-ef30-11e6-a25e-c3225fffa4ee.html); Beau Evans, *Phillips 66 pipeline worker ID’d, considered dead after Paradis explosion*, New Orleans Times-Picayune, Feb. 11, 2017, [http://www.nola.com/traffic/index.ssf/2017/02/pipeline\\_worker\\_believed\\_dead.html](http://www.nola.com/traffic/index.ssf/2017/02/pipeline_worker_believed_dead.html); Julia Carrie Wong and Sam Levin, *Dakota pipeline operator to defy Obama and prepare for final phase of drilling*, The Guardian, November 8, 2016, <https://www.theguardian.com/us-news/2016/nov/08/dakota-access-pipeline-project-continues-operator-oil-obama>; James MacPherson, *North Dakota hits Energy Transfer Partners with more oversight charges: North Dakota assesses a fee to pay a contractor to monitor construction*, Tulsa World, Feb. 25, 2016, [http://www.tulsaworld.com/business/energy/north-dakota-hits-energy-transfer-partners-with-more-oversight-charges/article\\_e9dbcdc0-b311-5ae7-8a95-1ba8b2a37749.html](http://www.tulsaworld.com/business/energy/north-dakota-hits-energy-transfer-partners-with-more-oversight-charges/article_e9dbcdc0-b311-5ae7-8a95-1ba8b2a37749.html); Amy Goodman, Nermeen Shaikh, *Private Mercenary Firm TigerSwan Targeted NoDAPL Water Protectors With Military-Style Counterterrorism Measures*, Democracy Now!, June 1, 2017, available at <http://www.truth-out.org/news/item/40796-private-mercenary-firm-tigerswan-targeted-nodapl-water-protectors-with-military-style-counterterrorism-measures>.

also liaising with local, state, federal law enforcement agencies.<sup>4</sup>

3. ETP also paid the state of North Dakota \$15 million toward costs incurred in policing the “largely non-violent” anti-DAPL movement, a concerning and seemingly unprecedented move.<sup>5</sup>

4. In 2015, ETP and Phillips 66 formed a joint venture to construct the Bayou Bridge Pipeline, which would span 162 miles from Lake Charles to a terminus in St. James. The proposed route would have the pipeline running crude oil through 700 bodies of water, agricultural land, wetlands, the Atchafalaya Basin, and through Bayou LaFourche, the source of drinking water for surrounding communities.

5. The proposed project garnered intense opposition, exemplified by the fact that hundreds of people turned out for hearings conducted by the Department of Natural Resources and the Department of Environmental Quality in early 2017 to express their opposition to the proposal.<sup>6</sup> Diverse opposition to the project has continued since the hearings, and has included crawfishers and others living and working in communities that would be affected by the pipeline.<sup>7</sup>

6. Despite extensive opposition and ongoing protests of the pipeline project by people from affected communities and environmental justice advocates, the Louisiana Department of Natural Resources granted ETP a coastal use permit for the project.<sup>8</sup>

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<sup>4</sup> Alleen Brown, Will Parrish, Alice Speri, *Leaked Documents Reveal Counterterrorism Tactics Used at Standing Rock to ‘Defeat Pipeline Insurgencies,’* The Intercept, May 27, 2017, <https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/>.

<sup>5</sup> James MacPherson, *Developer behind the Dakota Access pipeline shelled out \$15 million to North Dakota for policing protests,* Associated Press, October 3, 2017, available at <https://uk.news.yahoo.com/developer-behind-dakota-access-pipeline-011800573.html>

<sup>6</sup> Dalfred Jones, *Supporters, opponents of Bayou Bridge Pipeline turn out for first public hearing,* KLFY.com, January 12, 2017, <http://klfy.com/2017/01/12/supporters-opponents-of-bayou-bridge-pipeline-turn-out-for-first-public-hearing/>; Steve Hardy, *Showdown in Napoleonville: Supporters, opponents clash over Bayou Bridge Pipeline proposal,* The Advocate, February 8, 2017, [http://www.theadvocate.com/acadiana/news/article\\_6b7ca9ce-ec93-11e6-8fbb-8fd900ee73c6.html](http://www.theadvocate.com/acadiana/news/article_6b7ca9ce-ec93-11e6-8fbb-8fd900ee73c6.html).

<sup>7</sup> See e.g., Sabrina Canfield, *Resistance Builds to New Louisiana Oil Pipeline,* Courthouse News, November 1, 2017, <https://www.courthousenews.com/resistance-builds-new-louisiana-oil-pipeline/>; Jody Meche, *Guest Column: Crawfishermen under threat as oil, gas companies show flagrant disregard for our way of life,* The Advocate, October 24, 2017, [http://www.theadvocate.com/baton\\_rouge/opinion/article\\_7afdfae2-b83a-11e7-ad90-f77b6e7597e0.html](http://www.theadvocate.com/baton_rouge/opinion/article_7afdfae2-b83a-11e7-ad90-f77b6e7597e0.html).

<sup>8</sup> Julie Dermansky, *Breaking: Louisiana’s Bayou Bridge Pipeline Is One Permit Closer to Reality as Groups Plan Continued Resistance,* Desmog, April 3, 2017, <https://www.desmogblog.com/2017/04/03/breaking-louisiana-s-bayou-bridge-pipeline-one->

7. That decision is being challenged in court by people living in St. James who stand to be affected by the pipeline. Their suit is based, in part, on the grounds that the agency did not take into account the potential effects of spills on wetlands and drinking water, did not consider alternative routes and transportation methods, and did not follow the agency's own permitting guidelines.<sup>9</sup>

8. The project is currently awaiting approval by the Louisiana Department of Environmental Quality and the U.S. Army Corps of Engineers.

9. Meanwhile, opponents of the pipeline in Louisiana are concerned about ever-increasing threats to their ability to exercise their First Amendment rights, through surveillance and targeting by both private corporations and local, state, and federal law enforcement agencies.

10. While the aforementioned TigerSwan applied for and was denied a license to operate in Louisiana by the Louisiana State Board of Private Security Examiners on July 7, 2017, it is now appealing the denial of its license application and has retained the services of five lobbyists to undertake executive branch lobbying on its behalf.<sup>10</sup>

11. The company has been the subject of in-depth reporting and public criticism as a result of its controversial tactics on behalf of ETP.<sup>11</sup> Local reporting has noted that pipeline opponents are concerned that TigerSwan tactics are already having an impact in the state.<sup>12</sup> In at least one case local opponents of the pipeline were so concerned that "none agreed to an on camera interview to prevent security operatives from identifying their faces."<sup>13</sup>

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[permit-closer-reality-groups-opposing-pipeline-plan-resistance.](#)

<sup>9</sup> Mark Schleifstein, *Bayou Bridge Pipeline permit challenged in lawsuit*, The Times-Picayune, June 27, 2017, [http://www.nola.com/environment/index.ssf/2017/06/st\\_james\\_residents\\_enviros\\_cha.html](http://www.nola.com/environment/index.ssf/2017/06/st_james_residents_enviros_cha.html).

<sup>10</sup> *Private security firm that surveilled DAPL protests denied Louisiana license*, KATC.com, Jul. 20, 2017, available at <http://www.katc.com/story/35902508/private-security-firm-that-surveilled-dapl-protests-seeks-louisiana-license>. (also quote one former military official who denounced the tactics as "extreme by all measures"); See <http://ethics.la.gov/LobbyistData/ResultsByCompRep.aspx?SearchParams=RepName.{tigerswan}&OrderBy=1>.

<sup>11</sup> See *supra* n. 4; See also, Alleen Brown, Will Parrish, Alice Speri, *Part 5: TigerSwan Faces Lawsuit Over Unlicensed Security Operations in North Dakota*, The Intercept, June 28, 2017, <https://theintercept.com/2017/06/28/tigerswanfaces-lawsuit-over-unlicensed-security-operations-in-north-dakota/>; Part 2: Standing Rock Documents Expose Inner Workings of 'Surveillance Industrial Complex,' The Intercept, June 3, 2017, <https://theintercept.com/2017/06/03/standing-rock-documents-expose-inner-workings-of-surveillance-industrial-complex/>.

<sup>12</sup> *Supra* n. 10.

<sup>13</sup> *Id.*

12. A Louisiana sheriff who served as head of the National Sheriffs Association in 2016 has described DAPL protestors as violent and militant,<sup>14</sup> and the Association publicly endorsed the Bayou Bridge Pipeline.<sup>15</sup>

13. In October, 84 members of Congress issued a letter to U.S. Attorney General Jeff Sessions urging him to consider applying domestic terrorism laws to pipeline protestors.<sup>16</sup> In November, the Department of Justice promised to vigorously prosecute pipeline protestors who damage property in violation of federal law.<sup>17</sup>

14. Governor John Bel Edwards has publicly expressed support for the project, in the same terms and echoing the same reasoning of the company, i.e. that it is the safest way to move oil, despite the track record of the companies involved, and despite the visible and vocal opposition. The Governor did not point to any data to support this claim.

15. The Governor has so far refused to meet with opponents of the project who have made repeated requests for a meeting and urged him to request that the U.S. Army Corps of Engineers undertake an Environmental Impact Statement.<sup>18</sup>

16. On July 20, 2017, pipeline opponents met with Matthew Block, the Governor's executive counsel and designated custodian of records, at which point they expressed concerns regarding the accident risk from the proposed pipeline, the company's safety record and the conduct of state employees. Despite a verbal commitment in the meeting from Mr. Block to follow up on these issues and maintain communication on behalf of the Governor, opponents have received no further communication from the Governor's counsel.

17. Pipeline opponents, including Plaintiff, are concerned about evidence of the close

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<sup>14</sup> See <https://www.facebook.com/sheriff.gregchampagne/posts/1337399006279642>.

<sup>15</sup> See <https://bayoubridge.com/>.

<sup>16</sup> John Siciliano, *Lawmakers ask Jeff Sessions about prosecuting climate activists for damaging pipelines*, The Washington Examiner, Oct. 23, 2017, <http://www.washingtonexaminer.com/lawmakers-ask-jeff-sessions-about-prosecuting-climate-activists-for-damaging-pipelines/article/2638389>.

<sup>17</sup> Timothy Gardner, *U.S. Justice pledges to prosecute activists who damage pipelines*, Reuters, November 10, 2017, <https://www.reuters.com/article/us-usa-pipelines-justice/u-s-justice-pledges-to-prosecute-activists-who-damage-pipelines-idUSKBN1DA2OV>.

<sup>18</sup> JR Ball, *Bayou Bridge Pipeline backed by Louisiana Gov. John Bel Edwards*, The Times-Picayune, Feb. 16, 2017, [http://www.nola.com/environment/index.ssf/2017/02/john\\_bel\\_edwards\\_supports\\_bayo.html](http://www.nola.com/environment/index.ssf/2017/02/john_bel_edwards_supports_bayo.html); Press Release, *Bayou Bridge Pipeline: Groups Ask Governor for Environmental Impact Statement*, Sept. 20, 2017, <http://labucketbrigade.org/blog/bayou-bridge-pipeline-groups-ask-governor-environmental-impact-statement>.

interplay between the companies at issue in this request and local, state and federal agencies on the one hand, and their own inability to access these same agencies while being maligned and sidelined on the other hand.

### **PARTIES**

18. Plaintiff Louisiana Bucket Brigade is a non-profit environmental health and justice organization based in New Orleans that works with communities in Louisiana located near oil refineries and chemical plants. Plaintiff's representative and founding director, Anne Rolfes, submitted the public records request detailed herein as an agent of the organization.

19. Plaintiff is a "person" within the meaning of La. R.S. 44:31.<sup>19</sup>

20. Defendants are the Office of the Governor and Matthew Block, Custodian of Records. The Office of the Governor is a "public body" as defined in La. R.S. §44:1(A)(1).

### **JURISDICTION AND VENUE**

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

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

### **FACTS**

23. On October 6, 2017, Plaintiff sent Defendants a written request for "any and all records related in any way" to two categories of information:

*1) Any and all meetings between Governor John Bel Edwards and/or any and all other staff of the office of the governor on the one hand, and any and all employees, staff, and/or agents of Bayou Bridge Pipeline, LLC, Bayou Bridge Pipeline, Energy Transfer Partners, Energy Transfer Equity, Sunoco Logistics, Phillips 66, Phillips 66 Partners, and/or any subsidiaries of these companies, on the other hand.*

*2) Any and all communications between Governor John Bel Edwards and/or any and all other staff of the office of the governor on the one hand, and any and all employees, staff, and/or agents of Bayou Bridge Pipeline, LLC, Bayou Bridge Pipeline, Energy Transfer Partners, Energy Transfer Equity, Sunoco Logistics, Phillips 66, Phillips 66 Partners, and/or any subsidiaries of these companies, on the other hand.*

See Plaintiff's Public Records Request to Office of the Governor annexed hereto as Exhibit A.

24. Plaintiffs' also requested a fee waiver on the basis that the "requested information

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<sup>19</sup> 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.")

is in the public interest” and that the information was being sought for “news gathering purposes” and not for “commercial purposes.” *Id.*

25. On October 10, 2017, Tina Vanichchagorn, Deputy Executive Counsel in the Office of the Governor, sent an email to Plaintiff acknowledging the request and indicated they were “compiling the information requested” and would send it the following day, on October 11, 2017. *See* Office of the Governor Email to Plaintiff, October 10, 2017, annexed hereto as Exhibit B.

26. On October 18, 2017, Tina Vannichchagorn, through an assistant to Executive Counsel and Custodian of Records Matthew Block, sent a cover letter to Plaintiff to which she attached a small set of records, which consisted solely of seven pages of an email chain concerning the appointment of a Sunoco Logistics representative to the Bunches Bayou Protection Board. *See* Letter from T. Vanichchagorn to Plaintiff, October 18, 2017, annexed hereto as Exhibit C.

27. On October 20, 2017, Plaintiff sent a response to Tina Vanichchagorn, copying Matthew Block, expressing concern at the “extremely limited number of records produced” and requested that she “indicate what kind of searches were conducted.” *See* Letter from Plaintiff to T. Vanichchagorn annexed hereto as Exhibit D.

28. Plaintiff also underscored in that correspondence that the request “included records of meetings and/or communications with ‘agents’ of the named companies in addition to employees and staff” which would include lobbyists retained by such companies *Id.* Plaintiff went so far in the letter as to provide the names of three individuals registered as lobbyists on behalf of two of the companies named in the request and asked that Ms. Vanichchagorn confirm whether the Office would conduct a further search. *Id.*

29. On October 23, 2017, Vanichchagorn sent an email to Plaintiff confirming receipt of what she termed the “new request.” *See* Vanichchagorn Email to Plaintiff, annexed hereto as Exhibit E.

30. On November 6, 2017, Tina Vanichchagorn emailed Plaintiff indicating she had not forgotten about the request and expected to be able to send a response the following day. *See* Email from T. Vanichchagorn to Plaintiff, November 6, 2017, annexed hereto as Exhibit F.

31. On December 4, nearly a month later, since Plaintiff had not received any further

correspondence from the Governor's office concerning the request, Plaintiff sent a follow-up communication which recapped the history of the original request sent on October 6, 2017, the follow-up correspondence of October 20, 2017, which expressed Plaintiff's concern about the extremely limited response and reiterated that the request included records relating to communications and/or meetings with agents – including lobbyists – for the companies listed. *See* Letter from Plaintiff to Tina Vanichchagorn, December 4, 2017, annexed hereto as Exhibit F.

32. In the December 4, 2017, letter, Plaintiff also identified two additional individuals believed to be acting as agents or representatives of companies listed in the request – former state senator Mary Landrieu, who has publicly acknowledged she is serving as a consultant to the project, and Randy Hayden, a lobbyist and director of a public relations firm, who has publicly urged support for the project as an industry spokesperson. *Id.* The Plaintiff asked that searches be specifically undertaken for those individuals as well. *Id.*

33. On December 7, 2017, Tina Vanichchagorn, emailed Plaintiff acknowledging receipt of the December 4, 2017, letter, and indicated that “[w]ith respect to your previous request, a response is forthcoming.” Email from T. Vanichchagorn to Plaintiff, annexed hereto as Exhibit G.

34. To date, Plaintiff has not received substantive responses to inquiries about the search method for the original request, which Plaintiff inquired about on October 20, 2017, in part to determine whether to bring this action.

35. The Governor's office has also failed to produce additional documents in response to follow-up correspondence, and failed to indicate whether additional records even exist and, if so, whether they are being withheld pursuant to statutory exemptions, within the timeframe set out in the Public Records Act.

36. Given the fact that Defendants have thus far made no claim or showing that the records sought are exempt from disclosure, and given the clear burden of Defendant to do so at a contradictory hearing, Plaintiff respectfully requests that an expedited hearing be scheduled within ten days of the filing of this Petition.

**MEMORANDUM OF LAW**  
**IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS**

37. Article 12 section 3 of the Louisiana Constitution provides that “[n]o person shall be denied the right to observe the deliberations of public bodies and examine public documents,

except in cases established by law.”

38. The Louisiana Supreme Court has repeatedly applied and instructed a broad reading of Article 12 section 3:

Th[is] provision of the constitution must be construed liberally in favor of free and unrestricted access to the records, *and that access can be denied only when a law, specifically and unequivocally, provides otherwise*. Whenever there is doubt as to whether the public has the right of access to certain records, the doubt must be resolved in favor of the public's right to see. To allow otherwise would be an improper and arbitrary restriction on the public's constitutional rights.

*In Re Matter Under Investigation*, 15 So.3d 972, 989 (La. 2009) (emphasis in original) (internal citations omitted) citing *Capital City Press v. East Baton Rouge Parish Metropolitan Council*, 696 So.2d 562, 564 (La. 1997). *See also*, *New Orleans Bulldog Soc'y v. La. SPCA*, 222 So.3d 679, 684 (La. 2017); *Title Research Corporation v. Rausch*, 450 So.2d 933, 937 (La. 1984).

39. The Public Records Act, La. R.S. 44:1 *et seq.*, implements this constitutional right and creates an enforcement mechanism to ensure the right is respected, protected, and fulfilled – not one that was intended to qualify or limit the constitutional right of access. *See Shane v. The Parish of Jefferson*, 209 So.3d 726, 734 (La. 2015) citing *Landis v. Moreau*, 779 So.2d 691, 694-95 (La. 2001); *see also Treadway v. Jones*, 583 So.2d 119, 121 (La. App. 4 Cir. 1990) (“The Public Records Law must be liberally interpreted to enlarge rather than restrict the public's access to public records.”) Indeed, “[t]he legislature, by the public records statutes, sought to guarantee, in the most expansive and unrestricted way possible, the right of the public to inspect and reproduce those records which the laws deem to be public.” *Landis v. Moreau*, 779 So.2d at 694 (quoting *Title Research Corp. v. Rausch*, 450 So.2d at 695). All doubts regarding public records under the statute “must be resolved in favor of the right of access.” *Id.*

40. 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.

41. Moreover, not “just any answer” to a records request will be sufficient to avoid civil penalties if the response is inadequate and the failure to respond adequately is unreasonable and arbitrary. *Indep. Weekly, LLC v. Pope*, 201 So. 3d 951, 959-961 (La. App. 3 Cir. 2016).

42. Pursuant to La. R.S. 44:35(C), any lawsuit instituted to enforce the right to access

public records must be “tried by preference and in a summary manner.”<sup>20</sup>

43. The Office of the Governor, and its Custodian of Records, Matthew Block, have failed to adequately respond to Plaintiff’s public records request for more than two months, well beyond the timeframe provided for in the statute.

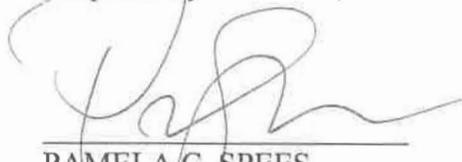
44. Plaintiff endeavored to clarify and narrow the issues so as to avoid litigating the request but has received no further records or response and is within its rights to bring this action.

45. In light of the foregoing, Plaintiff respectfully requests that an expedited hearing be scheduled within ten days of the filing of this Petition.

**WHEREFORE**, Plaintiff prays:

1. That a writ of mandamus be issued directing Defendant 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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*Attorneys for the Plaintiffs*

*Sheriff please serve:*

- Office of the Governor, Capitol Building, Baton Rouge, LA 70804; and
- Matthew Block, Custodian of Records, Office of the Governor, Capitol Building, Baton Rouge, LA 70804

<sup>20</sup> This proceeding, therefore, must be “conducted with rapidity,” and “by preference over ordinary proceedings.” La. C.C. P. art. 2591, 2595.

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

LOUISIANA BUCKET  
BRIGADE,

Civil Action No. \_\_\_\_\_

Plaintiff,

v.

Division \_\_\_\_\_

OFFICE OF THE GOVERNOR, and  
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Defendants.

Filed: \_\_\_\_\_

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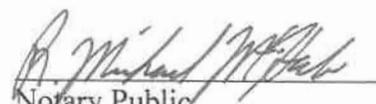
Before me, the undersigned Notary Public, personally came and appeared:

**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 16<sup>th</sup> day of December, 2017.

  
Notary Public  
LA BAR NO. 23529

**NINETEENTH JUDICIAL DISTRICT COURT**

**PARISH OF EAST BATON ROUGE**

**STATE OF LOUISIANA**

**LOUISIANA BUCKET  
BRIGADE,**

Plaintiff,

v.

**OFFICE OF THE GOVERNOR, and  
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Defendants.

Filed: \_\_\_\_\_

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Deputy Clerk \_\_\_\_\_

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- B. Office of the Governor Email to Plaintiff, October 10, 2017
- C. Letter from T. Vanichchagorn to Plaintiff, October 18, 2017
- D. Letter from Plaintiff to T. Vanichchagorn, October 20, 2017
- E. T. Vanichchagorn Email to Plaintiff, October 23, 2017
- F. Email from T. Vanichchagorn to Plaintiff, November 6, 2017
- G. Letter from Plaintiff to T. Vanichchagorn, December 4, 2017
- H. Email from t. Vanichchagorn to Plaintiff, December 7, 2017

# Exhibit A



October 6, 2017

*Via e mail to  
Via U.S. mail to*

[matthew.block@la.gov](mailto:matthew.block@la.gov)  
Office of the Governor  
PO Box 94004  
Baton Rouge, LA70804

Matthew Block  
**Custodian of Records**  
Office of the Governor  
PO Box 94004  
Baton Rouge, LA 70804  
[matthew.block@la.gov](mailto:matthew.block@la.gov)

**RE: Louisiana Public Records Request**

Dear Mr. Block:

Pursuant to the Louisiana Public Records Law, R.S. § 44:1 *et seq.*, I request that you, as the custodian of records of the Office of the Governor, produce copies of any and all public records related in any way to the following:

- Any and all meetings between Governor John Bel Edwards and/or any and all other staff of the office of the governor on the one hand, and any and all employees, staff, and/or agents of Bayou Bridge Pipeline, LLC, Bayou Bridge Pipeline, Energy Transfer Partners, Energy Transfer Equity, Sunoco Logistics, Phillips 66, Phillips 66 Partners, and/or any subsidiaries of these companies, on the other hand.
- Any and all communications between Governor John Bel Edwards and/or any and all other staff of the office of the governor on the one hand, and any and all employees, staff, and/or agents of Bayou Bridge Pipeline, LLC, Bayou Bridge Pipeline, Energy Transfer Partners, Energy Transfer Equity, Sunoco Logistics, Phillips 66, Phillips 66 Partners, and/or any subsidiaries of these companies, on the other hand.

“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.



Clean Air. Justice. Sustainability.

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

Please produce these records electronically to avoid unnecessary fees and save paper.

As you know, 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 me in writing immediately and explain the reasons why.

If the records are not currently in your possession, please notify me 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.

If there is any cost associated with the production of these records, please notify me in writing immediately. However, I request a waiver of fees as disclosure of these requested records are in the public interest and are for the public purpose of protecting our air, land and water. Moreover, as the requesters frequently publish material on issues of concern to the public, we should qualify as representatives of the news media and this request is related to news gathering purposes. This information is not being sought for commercial purposes.

The point of contact for all information relating to this request is:

Anne Rolfes, Louisiana Bucket Brigade  
2803 Saint Phillip Street  
New Orleans, LA  
Phone: (504) 452-4909      e mail: [anne@labucketbrigade.org](mailto:anne@labucketbrigade.org)

We ask that you provide the requested documents on a CD, CD-ROM or DVD, in PDF or TIF files where applicable, and in electronically searchable format, with emails and their attachments joined, and with emails showing all hidden fields and with metadata preserved.

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,

Anne Rolfes, Founding Director, Louisiana Bucket Brigade

s/ Pam Spees

Pamela Spees, Senior Staff Attorney, Center for Constitutional Rights

# Exhibit B



Max Rolfes <anne@labucketbrigade.org>

**FW: Public records request**

1 message

**Tina Vanichchagorn** <Tina.Vanichchagorn@la.gov>  
To: "anne@labucketbrigade.org" <anne@labucketbrigade.org>

Tue, Oct 10, 2017 at 9:47 AM

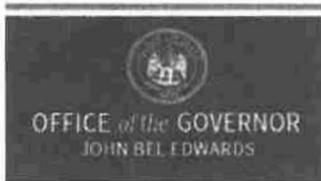
Dear Ms. Rolfes,

We are in receipt of your public records request and are currently compiling the information requested. We will have the information to you by tomorrow, Wednesday, October 11, 2017.

**Tina M. Vanichchagorn** | Deputy Executive Counsel

Office of Governor John Bel Edwards

[Tina.Vanichchagorn@la.gov](mailto:Tina.Vanichchagorn@la.gov)



**From:** Anne Rolfes <anne@labucketbrigade.org>  
**Date:** October 6, 2017 at 10:42:36 AM CDT  
**To:** <matthew.block@la.gov>  
**Cc:** Pam Spees <PSpees@ccrjustice.org>  
**Subject:** Public records request

Dear Matthew,

We look forward to your reply to the attached. Thank you,

Anne Rolfes

11/30/2017

Louisiana Bucket Brigade Mail - FW: Public records request

**Anne Rolfes, Founding Director, Louisiana Bucket Brigade**

**office: 504.484.3433 mobile: 504.452.4909**

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**2 attachments**

 **LABB CCR Public Records Request 10.6.17.pdf**  
129K

 **ATT00001.htm**  
1K

# Exhibit C

Office of the Governor  
State of Louisiana

JOHN BEL EDWARDS  
GOVERNOR



P.O. Box 94004  
BATON ROUGE, LOUISIANA 70804-9004  
(225) 342-7015  
GOV.LA.GOV

October 18, 2017

Anne Rolfes  
Louisiana Bucket Brigade  
2803 Saint Phillip Street  
New Orleans, LA

RE: Public Records Request

Dear Ms. Rolfes:

The Office of the Governor has concluded its review of responsive records to your request for:

- (1) Any and all meetings between Governor John Bel Edwards and/or any and all other staff of the office of the governor on the one hand, and any and all employees, staff, and/or agents of Bayou Bridge Pipeline, LLC, Bayou Bridge Pipeline, Energy Transfer Partners, Energy Transfer Equity, Sunoco Logistics, Phillips 66, Phillips 66 Partners, and/or any subsidiaries of these companies, on the other hand; and
- (2) Any and all communications between Governor John Bel Edwards and/or any and all other staff of the office of the governor on the one hand, and any and all employees, staff, and/or agents of Bayou Bridge Pipeline, LLC, Bayou Bridge Pipeline, Energy Transfer Partners, Energy Transfer Equity, Sunoco Logistics, Phillips 66, Phillips 66 Partners, and/or any subsidiaries of these companies, on the other hand.

After a diligent search, we have identified no responsive records to your first item. For the second item, please find the enclosed records, which the Office of the Governor has identified as responsive to your request.

Should you wish to contact me, please email me at [tina.vanichchagorn@la.gov](mailto:tina.vanichchagorn@la.gov) or call (225) 342-7015.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina Vanichchagorn".

Tina Vanichchagorn  
Deputy Executive Counsel

# Exhibit D

October 20, 2017

*Via e mail to*            *matthew.block@la.gov*  
                                 *Tina.Vanichchagorn@la.gov*  
*Via U.S. mail to*        *Office of the Governor*  
                                 *PO Box 94004*  
                                 *Baton Rouge, LA70804*

Matthew Block  
**Custodian of Records**  
Tina Vanichchagorn  
**Deputy Executive Counsel**  
Office of the Governor  
PO Box 94004  
Baton Rouge, LA 70804  
matthew.block@la.gov

**RE: Louisiana Public Records Request**

Dear Ms. Vanichchagorn:

This will acknowledge receipt of your letter responding to our Public Records Request.

We are concerned at the extremely limited number of records produced in response to this request and would ask that you indicate what kind of searches were conducted in fulfillment of this request. Further, we take your response to mean that no responsive records have been withheld pursuant to any claimed exemptions. If this is not correct, please advise us of the basis for withholding any responsive records.

We want to underscore that the request included records of meetings and / or communications with “agents” of the named companies in addition to employees and staff. “Agents” includes lobbyists retained by such companies.

For purposes of this request, lobbyists and the companies they represent include:

- Energy Transfer Equity: Thomas Evenden Williams
- Phillips 66: Robert H. Baumann
- Phillips 66 Company: David A. Cagnolatti

Please confirm that you will conduct another search for relevant, responsive records of communications or meetings with these lobbyists for these companies.



Thank you in advance,

A handwritten signature in black ink, which appears to read "Anne C. Rolfes".

Anne Rolfes, Founding Director, Louisiana Bucket Brigade

s/ Pam Spees

Pamela Spees, Senior Staff Attorney, Center for Constitutional Rights

# Exhibit E

Begin forwarded message:

**From:** Tina Vanichchagorn <[Tina.Vanichchagorn@la.gov](mailto:Tina.Vanichchagorn@la.gov)>  
**Date:** October 23, 2017 at 9:43:04 AM EDT  
**To:** Anne Rolfes <[anne@labucketbrigade.org](mailto:anne@labucketbrigade.org)>  
**Subject:** RE: Reply re public records request

Ms. Rolfes – we are in receipt of your new request.

**Tina M. Vanichchagorn | Deputy Executive Counsel**  
Office of Governor John Bel Edwards  
[Tina.Vanichchagorn@la.gov](mailto:Tina.Vanichchagorn@la.gov)

**From:** Anne Rolfes [<mailto:anne@labucketbrigade.org>]  
**Sent:** Friday, October 20, 2017 4:28 PM  
**To:** Tina Vanichchagorn  
**Cc:** Matthew Block  
**Subject:** Fwd: Reply re public records request

Re sending as I forgot to cc Matthew Block.

Thank you  
**Anne Rolfes, Founding Director, Louisiana Bucket Brigade**  
office: 504.484.3433 mobile: 504.452.4909

----- Forwarded message -----  
**From:** Anne Rolfes <[anne@labucketbrigade.org](mailto:anne@labucketbrigade.org)>  
**Date:** Fri, Oct 20, 2017 at 4:26 PM

Subject: Reply re public records request

To: Tina Vanichchagorn <[Tina.Vanichchagorn@la.gov](mailto:Tina.Vanichchagorn@la.gov)>

Dear Ms. Vanichchagorn,

Please note the attached. Thank you.

Please also take a moment to watch [this short video](#) about the Bayou Bridge Pipeline. Thank you,

Anne

**Anne Rolfes, Founding Director, Louisiana Bucket Brigade**

**office: 504.484.3433 mobile: 504.452.4909**

# Exhibit F



Max Rolfes <anne@labucketbrigade.org>

**RE: Reply re public records request**

1 message

**Tina Vanichchagorn** <Tina.Vanichchagorn@la.gov>  
To: Anne Rolfes <anne@labucketbrigade.org>

Mon, Nov 6, 2017 at 4:40 PM

Ms. Rolfes,

I have not forgotten about your request. I have a few more places to check and hopefully should be able to send a response by the end of the day tomorrow.

**Tina M. Vanichchagorn** | Deputy Executive Counsel

Office of Governor John Bel Edwards

[Tina.Vanichchagorn@la.gov](mailto:Tina.Vanichchagorn@la.gov)



**From:** Anne Rolfes [mailto:anne@labucketbrigade.org]  
**Sent:** Friday, October 20, 2017 4:28 PM  
**To:** Tina Vanichchagorn  
**Cc:** Matthew Block  
**Subject:** Fwd: Reply re public records request

Re sending as I forgot to cc Matthew Block.

Thank you

Anne Rolfes, Founding Director, Louisiana Bucket Brigade

office: 504.484.3433 mobile: 504.452.4909

# Exhibit G



Max Rolfes <anne@labucketbrigade.org>

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**Follow up**

1 message

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**Anne Rolfes** <anne@labucketbrigade.org>  
To: Tina Vanichchagorn <Tina.Vanichchagorn@la.gov>

Mon, Dec 4, 2017 at 9:36 AM

Dear Ms. Vanichchagorn,  
  
Please see the attached. Thank you,

Anne Rolfes

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 **12.4.17 Follow up request from La Bucket Brigade.pdf**  
149K



December 4, 2017

Dear Ms. Vanichchagorn:

I am writing to follow-up on the status of our October 6, 2017, public records request.

As you'll recall, our initial request sought copies of all records related to:

- Any and all meetings between Governor John Bel Edwards and/or any and all other staff of the office of the governor on the one hand, and any and all employees, staff, and/or agents of Bayou Bridge Pipeline, LLC, Bayou Bridge Pipeline, Energy Transfer Partners, Energy Transfer Equity, Sunoco Logistics, Phillips 66, Phillips 66 Partners, and/or any subsidiaries of these companies, on the other hand.
- Any and all communications between Governor John Bel Edwards and/or any and all other staff of the office of the governor on the one hand, and any and all employees, staff, and/or agents of Bayou Bridge Pipeline, LLC, Bayou Bridge Pipeline, Energy Transfer Partners, Energy Transfer Equity, Sunoco Logistics, Phillips 66, Phillips 66 Partners, and/or any subsidiaries of these companies, on the other hand.

On October 20, 2017, we sent correspondence to your office in which we expressed concern at the extremely limited number of records produced in response to the request and asked for information about the searches conducted. We also drew your attention to individuals acting as lobbyists for two of the companies listed in the initial request and asked for a further search using that information.

We appreciated your acknowledgement of receipt of our communication and understood that you were undertaking a search.

As we have not received an update since November 6, 2017, we want to bring to your attention two more individuals who we believe have **acted as** agents or employees in connection with Bayou Bridge Pipeline LLC and/or Energy Transfer Partners and would ask that your search include records of communications or meetings with these individuals:

- Mary Landrieu, who has stated publicly she serves as a "consultant" to the Bayou Bridge Pipeline project and has participated in public hearings as a representative on behalf of Energy Transfer Partners;<sup>1</sup>

<sup>1</sup> See Mary Landrieu, *Former senator Mary Landrieu: Bayou Bridge Pipeline warrants approval*, The Advocate, Feb. 8, 2017, [http://www.theadvocate.com/baton\\_rouge/opinion/letters/article\\_3a4aa278-ee25-11e6-](http://www.theadvocate.com/baton_rouge/opinion/letters/article_3a4aa278-ee25-11e6-)



- Randy Hayden, a lobbyist, media consultant and industry spokesperson<sup>2</sup>

We believe that a full and thorough search for records concerning meetings and communications with these categories of persons would have yielded more than one email chain about an appointment of a Sunoco employee to a levee protection board.

We ask that you produce any additional records, including records of any meetings or communications with the individuals listed above and in our October 20<sup>th</sup> letter, or affirmatively confirm if no such records exist, within five business days.

Thank you.

Anne Rolfes, Founding Director

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[a12d-d7a2c9782a60.html](#), and Julie Dermansky, *Battle against the Bayou Bridge pipeline threatens to become the Standing Rock of Louisiana's Atchafalaya Basin*, Nation of Change, Jan. 18, 2017, <https://www.nationofchange.org/2017/01/18/battle-bayou-bridge-pipeline-threatens-become-standing-rock-louisianas-atchafalaya-basin/>.

<sup>2</sup> See, Zachary Fitzgerald, *Making Case for Bayou Bridge Pipeline Expansion*, Abbeville Meridional, April 8, 2017, <https://bayoubridge.com/making-case-for-bayou-bridge-pipeline-expansion/>, and Elizabeth Vowell, *Advocates speak against proposed Bayou Bridge pipeline*, WAFB, Feb. 13, 2017, <http://www.wafb.com/story/34489969/advocates-speak-against-proposed-bayou-bridge-pipeline>,