

**40th JUDICIAL DISTRICT COURT
PARISH OF ST. JOHN THE BAPTIST
STATE OF LOUISIANA**

NO. C-85336

DIV. A

**RURAL ROOTS LOUISIANA, HARRY JOSEPH SR.,
and LOUISIANA BUCKET BRIGADE,**

Plaintiffs,

VERSUS

THE PORT OF SOUTH LOUISIANA,

Defendant.

**PLAINTIFFS' MEMORANDUM OF LAW
IN SUPPORT OF TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

INTRODUCTION

Through this motion for a temporary restraining order, Plaintiffs ask the Court to preserve the status quo for the short period of time necessary for the Court to conduct a hearing on Plaintiffs' request for preliminary injunctive relief. In the underlying litigation, Plaintiffs challenge the legal validity of the Port of South Louisiana's actions regarding public notice of its decision to preliminarily authorize up to \$400 million in bonds and \$40 million in bond anticipation notes intended to finance a major deepwater dock facility in Ascension Parish. No party disputes that residents in Ascension Parish have never received formal legal notice of this decision.

While this matter is pending, the Port is now **scheduled to appear before the State Bond Commission on Thursday, Sept. 17, 2026**, to obtain approval allowing for that bond transaction to proceed. Plaintiffs have asked the Port to voluntarily remove the item and/or defer the action until this Court can adjudicate the pending questions. The Port has refused to do so. Accordingly, unless the Court acts now to order the Port to remove or defer the agenda item, the decision challenged in this lawsuit will materially advance before the Court has an opportunity to consider the legal issues involved, including the rights to notice and opportunity to be heard of those who stand to be most affected in Ascension Parish.

FACTS IN VERIFIED MOTION

Plaintiffs commenced this action on April 2, 2026, questioning the legal validity of the public notice the Port claimed to have published in the *L'Observateur* of its preliminary authorization on August 5, 2025, to issue up to \$400 million in bonds and \$40 million on bond anticipation notes to fund the construction of a deepwater dock in Ascension Parish. Verified Motion, ¶ 1. After Plaintiffs commenced this litigation, they learned that no notice had been published in *L'Observateur* at all and sought leave to supplement their petition with that fact and an additional claim. *Id.* ¶ 2. The Port argued, *inter alia*, that the matter was moot because the Port ended up publishing the notice in *L'Observateur* in June 2026, after Plaintiffs sought leave to supplement their Petition, and nearly a year after the Port had made the decision to authorize the bonds. *Id.* On August 31, 2026, after a hearing on the Plaintiffs' motion, the Court granted leave to supplement. *Id.* ¶ 4.

There is no dispute that *L'Observateur* does not have a circulation in Ascension Parish and residents in Ascension Parish have not been provided with formal legal notice of the Port's decision to issue bonds to fund the dock construction in West Ascension. *Id.* ¶ 3.

On Monday, Sept. 14, 2026, Plaintiffs learned that the Port's proposed bond issuance has been placed on the agenda of the Louisiana State Bond Commission for consideration on Thursday, Sept. 17, 2026. *Id.* ¶ 5. *See* State Bond Commission Meeting Agenda, Item 61 (L26-302), annexed to Motion as Exhibit A. State Bond Commission approval would materially advance the very bond transaction that is underlying the Port's action challenged in this litigation and would alter the status quo presently before this Court. Counsel for the Port advised that the Port's request to the Bond Commission had been made prior to the August 31st hearing on Plaintiffs' motion to supplement the petition. Letter from P. Butler to P. Spees, Sept. 14, 2026, annexed to Motion as Exhibit C.

Unless restrained, the Port intends to proceed with its request for State Bond Commission approval before this Court has had an opportunity to adjudicate Plaintiffs' claims concerning the validity of the Port's actions and public notice requirements, including the legal effect of no publication of the proceedings.

LAW AND ARGUMENT

La. C.C.P. art. 3601, *et seq.*, sets out the standards for issuing a temporary restraining order. Temporary restraining orders are to be issued by courts where “irreparable injury, loss or damage may otherwise result to the applicant.” La. Code Civ. Proc. Art. 3601(A). They “shall” be granted without notice, when:

- (1) It clearly appears from specific facts shown by a verified petition or by supporting affidavit that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or his attorney can be heard in opposition, and
- (2) The applicant's attorney certifies to the court in writing the efforts which have been made to give the notice or the reasons supporting his claim that notice should not be required.

La. C.C.P. 3603(A). In turn, La. C.C.P. art. 3609 further instructs that “court may hear an application for a preliminary injunction...upon the verified pleadings or supporting affidavits.”

I. Immediate and Irreparable Harm, Loss, or Damage

“Irreparable injury” that would require issuance of an *ex parte* temporary restraining order is injury or loss for which damages cannot be measured by a pecuniary standard or which cannot be adequately compensated in money damages. *Pennington v. Drews*, 209 La. 1, 22; 24 So.2d 156, 163 (1945). A plaintiff is entitled to circumvent the irreparable harm requirement when the injunction sought is prohibitory, not mandatory, and when the prohibited conduct is unlawful or unconstitutional. *Smith v. St. John the Baptist Par.*, 24-491, p. 6 (La.App. 5 Cir. 4/30/25); 412 So.3d 1122, 1127. A prohibitory injunction is an injunction to preserve the status quo. *Id.*

Plaintiffs include an individual and a community-based organization comprised of members who live in Ascension Parish near the area where the deepwater dock would be constructed. There is no dispute that residents in Ascension Parish have never been provided with formal legal notice of the Port of South Louisiana’s preliminary authorization of hundreds of millions of bonds to fund the construction of the dock.

Here, the statutory violation alleged in the Petition, i.e. the Port’s failure to publish its proceedings pursuant to La. R.S. 43:171, is continuing with regard to these residents, and was

unreasonably delayed with regard to residents in the Port's jurisdiction (who, unlike Ascension residents, don't have a direct and immediate interest in the dock construction). Through this TRO request, Plaintiffs seek to prevent a governmental body from moving forward with a governmental action whose legally mandated public disclosure did not occur. The harm to Plaintiffs would become incurable once the process is consummated or moves forward with this legally defective step when public disclosure was not properly made.

Even if the Court were to conclude that Plaintiffs cannot quantify some separate irreparable injury from the failure to publish (for Ascension residents) and failure to publish within a reasonable time (Port jurisdiction residents), appellate courts have made clear that irreparable injury need not be independently shown "when the deprivation of a constitutional right is at issue or when the act sought to be enjoined is unlawful." *Parker v. Senate of State*, 2015-0048 (La.App. 1 Cir. 9/21/15); *see also*, *S. Cent. Bell Tel. Co. v. Louisiana Pub. Serv. Comm'n*, 555 So.2d 1370, 1373 (La.1990); *Ryan Gootee General Contractors, LLC v. Plaquemines Parish School Board*, 15-325 (La. App. 5 Cir. 11/19/15), 180 So. 3d 588, 598.

The harm here is not merely that the Port failed to publish its proceedings when required by law. That statutory violation is ongoing, particularly with regard to Ascension Parish residents, and absent temporary relief, the Port will be permitted to consummate the very transaction reflected in those unpublished proceedings before those affected in Ascension Parish receive the disclosure Louisiana law mandates. A statutory requirement of public disclosure cannot be rendered meaningless by allowing the governmental body subject to that requirement to proceed through the subsequent phases of the transaction without consequence. Temporary relief here preserves, rather than alters, the status quo while the Court considers the serious legal questions at issue.

II. Prima Facie Showing of Entitlement to Relief Requested

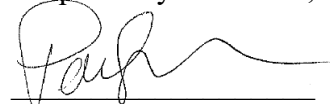
A preliminary injunction merely requires a prima facie showing of a good chance to prevail on the merits. *Smith v. St. John the Baptist Par.*, 24-491, p. 5 (La.App. 5 Cir. 4/30/25); 412 So.3d 1122, 1127. In making a prima facie showing, the plaintiff is required to offer less proof than is necessary in an ordinary proceeding for a permanent injunction. *Id.*

Plaintiffs have made the requisite prima showing of a good chance of prevailing on the merits. The facts underlying Plaintiffs' claims are not genuinely disputed. No one in Ascension Parish where the proposed construction that would be funded by the bonds has received formal legal notice of the Port's decision. Even within its own jurisdiction, the Port did not timely publish (by nearly a year) the proceedings at issue. That publication only put residents within the Port's jurisdiction, and within the circulation of *L'Observateur*, on notice – not the residents of Ascension Parish. Plaintiffs raise serious constitutional and statutory questions as to where, when, and how such notices must be published. In particular, as Plaintiffs set forth in their supplemented petition and prior briefing, La. R.S. 43:171 imposes a mandatory publication obligation on the Port. Plaintiffs seek a declaration as to the legal effect of that noncompliance pursuant to La. C.C.P. arts. 1871 *et seq.*

CONCLUSION

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant their Motion for a Temporary Restraining Order.

Respectfully submitted,



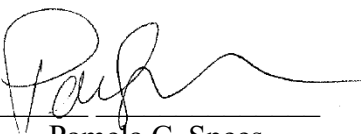
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all known counsel
of record by electronic mail on this 15th day of September, 2026.



Pamela C. Spees