

**23rd JUDICIAL DISTRICT COURT
PARISH OF ASCENSION
STATE OF LOUISIANA**

**RURAL ROOTS LOUISIANA and
LOUISIANA BUCKET BRIGADE,**

Plaintiffs,

versus

**ASCENSION ECONOMIC
DEVELOPMENT CORPORATION
AND KATE MACARTHUR,
CHIEF EXECUTIVE OFFICER**

Defendants

Filed: _____

Deputy Clerk _____

Civil Action No. _____

Division: _____

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF
PETITION FOR WRIT FOR MANDAMUS**

NOW INTO COURT, through undersigned counsel, come Rural Roots Louisiana and the Louisiana Bucket Brigade (collectively, "Plaintiffs"), who respectfully submit this memorandum of law in support of their Petition for Writ of Mandamus Under the Louisiana Public Records Act.

SUMMARY OF THE ARGUMENT

The premise of this action is simple. Plaintiffs seek public records from Ascension Economic Development Corporation ("AEDC") relating to AEDC's economic development activities on behalf of Ascension Parish and other municipal bodies. AEDC was established by local government bodies and is "principally funded by public appropriations,"¹ including more than \$300,000 from the Ascension Parish government in 2025 alone. But AEDC claims that because it is registered as a nonprofit corporation "independent of any political subdivision," it is not subject to the Public Records Law, La. R.S. 44:1 *et seq.* and thus will not supply the requested information. However, AEDC's position is contradicted by the very law under which it was established, La. R.S. 33:9020 *et seq.*, which states explicitly that such entities *are* subject to the

¹ AEDC "Who We Are" Webpage, annexed to Plaintiff's Petition for Writ of Mandamus ("Pl. Petition") as Exhibit 1.

Public Records Law with respect to the use and receipt of public funds when they receive \$10,000 or more in public appropriations in a calendar year. La. R.S. 33:9024(E)(2). In addition, the Louisiana Supreme Court has held that even purely private nonprofit corporations – i.e. corporations not established by local government bodies for a public purpose – are subject to the Public Records Law when they operate as instrumentalities of the government and receive public money as remuneration for such services. *New Orleans Bulldog Society v. LSPCA*, 2016-C-1809 (La. 2017) 222 So.3d 679 (Animal advocacy nonprofit subject to Public Records Law when it functioned as an instrumentality of a municipal government and received public funds for its services in fulfillment of a Cooperative Endeavor Agreement); *See also State ex rel Guste v. Nicholls College Foundation and Donald L. Peltier*, 564 So.2d 682 (La. 1990) (nonprofit foundation subject to the Public Records Law because of its “close affiliation” with state university, its “purpose to promote the University,” use of university resources, and receipt of University funds).

Plaintiffs’ records request centers around the efforts of AEDC and Ascension Parish, alongside other local and state government entities, to establish a massive industrial development project on the West Bank of the Parish² which will involve Carbon Capture and Storage (“CCS”) technology and transport of carbon dioxide via pipelines.³ These are very controversial technologies that have generated a great deal of opposition in the state.⁴ In addition, the project would require the forced displacement of the community of Modeste – described as a “voluntary

² Ascension Economic Development Corporation, “RiverPlex MegaPark of Louisiana,” <https://ascensionedc.com/site-selection/megasite/riverplex-megapark-of-louisiana/>; Greater Baton Rouge Business Report, *Louisiana’s next frontier: Ascension’s 17,000-acre RiverPlex MegaPark*, Nov. 10, 2025, <https://www.businessreport.com/article/louisianas-next-frontier-ascensions-17000-acre-riverplex-megapark/>;

³ Tiffany Bradford, *Hyundai Unveils \$6B Hydrogen-Powered Steel Mill in Louisiana, Aims to Position State as National Energy Leader: Massive Investment in Ascension Parish Targets Green Steel, Job Growth, and Hydrogen Infrastructure*, The Weekly Press, June 20, 2025, <https://www.brweeklypress.com/hyundai-unveils-6b-hydrogen-powered-steel-mill-in-louisiana-aims-to-position-state-as-national-energy-leader/>; Emilia Jackson, *Environmental Groups Sue Over Ammonia Plant Permits in Ascension Parish*, ChemAnalyst.News, Nov. 27, 2025, <https://www.chemanalyst.com/NewsAndDeals/NewsDetails/environmental-groups-sue-over-ammonia-plant-permits-in-ascension-parish-40198>; Greg LaRose, *CF Industries, Japanese partners to build \$4B ‘blue’ ammonia plant in Ascension Parish*, Louisiana Illuminator, Apr. 8, 2025, <https://lailluminator.com/2025/04/08/blue-ammonia/>.

⁴ David Schlissel and Anika Juhn, *Blue Hydrogen: Not Clean, Not Low Carbon, Not a Solution: Making Hydrogen from Natural Gas Makes No Sense*, Institute for Energy Economics and Financial Analysis, September 2023, available at [090. David Schlissel and Anika Juhn, IEEFA, Blue Hydrogen Not Clean Not Low Carbon.pdf](https://www.iefefa.org/wp-content/uploads/2023/09/090_David_Schlissel_and_Anika_Juhn_IEEFA_Blue_Hydrogen_Not_Clean_Not_Low_Carbon.pdf); Elise Plunk, *Central Louisiana residents, leaders sue state over carbon capture land grabs*, Louisiana Illuminator (Nov. 20, 2025), <https://lailluminator.com/2025/11/20/central-louisiana-residents-leaders-sue-louisiana-over-carbon-capture-land-seizures/>.

buyout” by Parish and AEDC officials – and a takeover of 17,000 acres of land that has to this point been zoned as a Conservation district deemed “environmentally fragile.”⁵

Plaintiffs have members and staff who live and work in Modeste, the area targeted for this AEDC-led development, and thus have a direct stake in these events and in the exercise of their rights under the Louisiana Constitution and Public Records Law to information that has a clear and direct bearing on their lives. For the reasons that follow, Plaintiffs respectfully request this Court order AEDC to comply with its obligations under La. R.S. 44:1, *et seq.*, and La. R.S. 33:9024(E)(2).

FACTUAL BACKGROUND

I. The Public Records Request

On November 19, 2025, Plaintiffs mailed and emailed a written records request to AEDC, which sought:

[A]ll records relating to the development of the RiverPlex MegaPark, including, but not limited to, any communications with any agent, employee, or representative of Hyundai Steel, CF Industries, and/or Clean Hydrogen Works / Ascension Clean Energy, the Louisiana Office of Economic Development (LED), and/or any member of city, parish, or state government concerning the same.

Plaintiffs’ Public Records Request Letter, annexed to Pl. Petition as Exhibit 2. The request further specifically included, “but [was] not limited to”:

- (1) All drafted or executed Cooperative Endeavor Agreements (“CEAs”) either by AEDC, or on behalf of the Louisiana state or Ascension Parish government, and Hyundai Steel Company;
- (2) All public notices of CEAs either by AEDC, or on behalf of the Louisiana state or Ascension Parish government, and Hyundai Steel Company; and
- (3) All meeting minutes referencing CEAs either by AEDC, or on behalf of the Louisiana state or Ascension Parish government, and Hyundai Steel Company.

Id.

⁵ Christopher Cartwright, *Ascension is considering property buyouts for historic community. But will residents take it?*, The Advocate, Jun. 23, 2025, https://www.theadvocate.com/baton_rouge/news/business/property-buyout-modeste/article_8bd51b29-f7c4-4045-8dbf-c273725858bd.html; Pelican Post, *Suit seeks to void AP Council votes rezoning Modeste acreage to Industrial*, Oct. 27, 2025, <https://pelicanpostonline.com/suit-seeks-to-void-ap-council-votes-rezoning-modeste-acreage-to-industrial/>. See also, Ascension Parish Zoning Code, Sec. 17-2022(a), https://library.municode.com/la/ascension_parish/codes/unified_land_development_code?nodeId=APXIIDECO_17-2022CO5DIC5.

Defendant, AEDC CEO Ms. MacArthur, responded one day later, asserting:

[AEDC] is a private, nonprofit organization and is not a public agency or political subdivision, nor does it exercise governmental authority. Because of this, AEDC is not subject to the Louisiana Public Records Law (La. R.S. 44:1 *et seq.*) or federal FOIA requirements and will not be supplying any of the requested information.

Email Correspondence Between Parties, annexed to Pl. Petition as Exhibit 3, p. 2.

Plaintiffs responded on November 24, 2025, asserting that AEDC is not exempt from the Public Records Act, given the company's origins, founding entities, purpose, and function, and called its attention to the Louisiana Supreme Court's ruling in *New Orleans Bulldog Society*, 222 So.3d 679; *See also Nicholls College Foundation*, 564 So.2d 682 (La. 1990). *Id.* Plaintiffs further requested a litigation hold on all documents and information related to the records requested. *Id.*

On December 4, 2025, counsel for AEDC emailed a follow-up letter, which maintained that the organization "is not subject to the La. R.S. 44:1 *et seq.*, and the public records request parameters." Letter from AEDC Counsel, annexed to Pl. Petition as Exhibit 4. The letter further stated, "[t]his organization was established under La. R.S. 33:9024 which exempts it from your request." *Id.* Notably, counsel for AEDC was one of the original incorporators of AEDC. AEDC Secretary of State Documents, annexed to Pl. Petition as Exhibit 5, p. 2.

II. Factual Basis of the Request

A. AEDC was formed by and is inextricably linked to multiple Ascension Parish governing bodies.

AEDC asserts it is a private, nonprofit corporation formed under Internal Revenue Service Code 501(c)(6) and "Chapter 27 of Part I, of Title 33" of the Louisiana Revised Statutes of 1950, which are codified at La. R.S. 33:9020 *et seq.* Exhibits 1 and 5. However, AEDC acknowledges on its website that it was established by the Parish of Ascension, the City of Gonzales, and the Ascension Chamber of Commerce in 2005. *Id.* The corporation is governed by a 14-member Board of Directors, who are appointed by the Ascension Parish Council, the Ascension Parish President, the City of Gonzales, the City of Donaldsonville, and the Town of Sorrento, in addition to the Ascension Chamber of Commerce and the Donaldsonville Chamber of Commerce. *Id.* It further acknowledges that it is "principally funded by public appropriations." *Id.* AEDC is thus founded,

financed, and guided by the Ascension Parish government and other local governments, to achieve the entities' shared objective of the industrial and economic development of Ascension Parish. The evidence attached to Plaintiffs' Petition establishes AEDC as the sole economic development arm of the Ascension Parish government, regardless of its private nonprofit status.

Most recently, this partnership was re-affirmed in a renewed Cooperative Endeavor Agreement ("CEA") between the Parish and AEDC approved by the Ascension Parish Council on November 20, 2025. November 20, 2025 Agenda for Ascension Parish Council Meeting, p. 1, Line Item (7)(c), and 2026 CEA, annexed to Pl. Petition as Exhibits 6 and 7. The CEA states that its purpose "is to promote and develop industry, commerce, and economic development in the Parish of Ascension" and the parties affirmatively declared the agreement is "designed and intended to achieve a public purpose." *Id.* at 2. The CEA further states that the Parish would provide AEDC with \$322,800.00 to assist it in rendering the services outlined in the agreement, and requires that AEDC's CEO provide a status report to the Parish Council semi-annually. *Id.* at 3.

Despite its incorporation as a private nonprofit, AEDC is the de facto economic development arm for Ascension Parish, and carries out a public function. *Id.* The Cooperative Economic Development Law is explicit that corporations like AEDC are subject to the Public Records Law when they receive \$10,000 or more in a calendar year, with respect to records of the "use or receipt" of those public funds. La. R.S. 33:9024(E)(2). As the 2026 CEA with the Parish demonstrates, AEDC receives far more than \$10,000 in public funds per year. Exhibits 6 and 7. The Ascension Parish government allocates these funds annually, as seen in approvals in 2022-2025. Petition ¶ 20.

Despite this, AEDC boasts on its website that it can "receive privileged and confidential data and information from [its] clients without the risk of public disclosure under freedom of information statutes." *Id.* This assertion directly contravenes the spirit, intent, and letter of the Public Records Law, the Cooperative Economic Development Law, and state Supreme Court rulings, not to mention Art. XII, Sec. 3 of the Louisiana Constitution, recognizing the right to "observe the deliberations of public bodies and examine public documents."

B. AEDC has entered multiple CEAs with various Ascension Parish and East Baton Rouge Parish governing bodies to create the RiverPlex MegaPark.

The MegaPark is the relevant AEDC venture to this action.⁶ The MegaPark is a roughly 17,000-acre industrial site located on the west bank of the Mississippi River in Modeste and near Donaldsonville, where multiple large-scale industrial and petrochemical facilities have been proposed. Planned MegaPark projects include a CF Industries, Inc. blue ammonia facility,⁷ a Clean Hydrogen Works ammonia plant,⁸ and a Hyundai Motor Group steel plant.⁹

The MegaPark has apparently been under development for over ten years. In 2015, AEDC helped to create the Westbank Industrial Overlay District (“the Overlay”), in collaboration with the former Department of Economic Development (now Louisiana Economic Development, (“LED”).¹⁰ The Overlay would require that the targeted land be rezoned from Conservation – a designation given to land that is considered “environmentally fragile”¹¹ – to heavy, medium, and light industrial uses.¹² AEDC also entered an agreement with the Louisiana Department of Economic Development, the Baton Rouge Area Chamber, and 16 other landowners at this time.¹³ The parties agreed to share costs for various development studies, including environmental, road, dock, and rail, for creation of the MegaPark.¹⁴ At the Ascension Parish Zoning Commission meeting where the Overlay was first presented to the public, AEDC’s former president advised the Commission as to the developments toward the Overlay and funding of the studies.¹⁵

Today, the Overlay is codified in the Ascension Parish Land Development Code, Appx. II – Development Code § 17-2039:

The purpose of the West Bank Industrial Overlay is to encourage and promote orderly industrial development along the west bank of the

⁶ *Supra* note 1.

⁷ CF Industries, Inc., *Blue Point Complex*, <https://www.cfindustries.com/bluepoint>.

⁸ Clean Hydrogen Works, *The ACE Project*, <https://www.cleanhydrogenworks.com/the-ace-project/>.

⁹ *Supra* note 7.

¹⁰ Ascension Economic Development Corporation, *Ascension Parish Economic Leaders Ear-Marking West Bank Area for Heavy Industrial Development*, May 20, 2015, <https://ascensionedc.com/ascension-parish-economic-leaders-ear-marking-west-bank-area-for-heavy-industrial-development/> (accessed November 28, 2025) (“AEDC Overlay District”).

¹¹ Ascension Parish Zoning Code, Sec. 17-2022(a),

https://library.municode.com/la/ascension_parish/codes/unified_land_development_code?nodeId=APXIIDECO_17-2022CO5DIC5.

¹² AEDC Overlay District, *supra* n. 12.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

Mississippi River, west of the City of Donaldsonville in Ascension Parish which will strengthen the economic viability of Ascension Parish while maintaining adequate separation from other zoning classifications.

Id.

Notably, the ordinance also specifically refers to AEDC, who “must make recommendations to the Ascension Parish Council stating whether the Overlay should be renewed or not.” *Id.* at A(9)(a).

C. Based on AEDC’s purpose, founding by, and contractual relationship with the Ascension Parish government, Plaintiffs believe that AEDC is heavily involved in the developments around the MegaPark project.

AEDC CEO Ms. MacArthur has been on record in local media making public comments about the proposed Hyundai Steel facility, one of the projects involved in the development plans.¹⁶ Outside of local reporting, however, Plaintiffs’ access to information regarding the Hyundai project and other proposed facilities has been limited.¹⁷ Based on AEDC’s involvement the MegaPark writ large,¹⁸ its long-standing relationship with LED,¹⁹ and references to the Hyundai project published on AEDC’s own website,²⁰ Plaintiffs believe that AEDC is heavily involved in these developments, to an extent presently unknown by the public. This belief was at the epicenter of Plaintiffs’ initial public records request.

D. There is a significant public interest in and need for information regarding the Projects proposed for the MegaPark.

The records requested from AEDC involve matters affecting property rights of Louisiana residents and landowners, environmental safety, and the rights to petition, association, assembly, and expression protected by the First Amendment to the U.S. Constitution and Art. I § 7, 9 of the Louisiana Constitution, in addition to the rights of access to public records protected by Art. XII,

¹⁶ Michael Tortorich, *Officials celebrate Hyundai's \$5.8 billion investment in Ascension Parish. Here is what they said*, Gonzales Weekly Citizen, March 20, 2025, <https://www.weeklycitizen.com/story/news/local/2025/03/24/louisiana-wins-again-what-theyre-sayin-celebrate-hyundais-5-8-billion-investment-in-ascension-parish/82646531007/>.

¹⁷ See, e.g., Michael Tortorich, *LED: Hyundai Steel Company project in Louisiana remains active, progressing*, Gonzales Weekly Citizen, October 14, 2025, <https://www.weeklycitizen.com/story/news/2025/10/14/led-steel-mill-project-remains-active-progressing-in-louisiana/86700195007/>.

¹⁸ *Supra* note 1.

¹⁹ *Supra* note 11.

²⁰ Misty Taillon, *Hyundai Motor Group to Invest \$5.8 Billion in a New Manufacturing Facility in Ascension Parish, Louisiana*, Ascension Economic Development Corporation, March 24, 2025, <https://ascensionedc.com/hyundai-motor-group-to-invest-5-8-billion-in-a-new-manufacturing-facility-in-ascension-parish-louisiana/>.

Sec. 3 of the Louisiana Constitution. The significant public interest in and media coverage of this matter are amply set out above. AEDC accepts at least \$322,800 in Parish funds annually, and it is operating as an instrumentality of Ascension Parish and the state of Louisiana with respect to its development of the MegaPark. Its self-serving classification as an organization “independent of any political subdivision” that does not “exercise governmental authority” appears to be an attempt to circumvent Louisiana’s constitutional and statutory requirements, and to avoid disclosure of records and documents to which the Plaintiffs, and the Ascension Parish public, are clearly entitled. Exhibit 1.

LAW AND ARGUMENT

The “right to know” is a fundamental right embodied in Art. XII, § 3 of the Louisiana Constitution, which 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.” The Louisiana Supreme Court has repeatedly instructed a broad reading of this provision:

The right of the public to have access to the public records is a fundamental right, and is guaranteed by the constitution. La. Const. art. 12, § 3. The 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.* *Id.* 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, 2007-1853 (La. 7/1/09), 15 So. 3d 972, 989 (emphasis in original) (internal citations omitted) citing *Capital City Press v. East Baton Rouge Parish Metropolitan Council*, 96-1979, p. 4 (La. 1997), 696 So.2d 562, 564. *See also*, *New Orleans Bulldog Society*, 222 So.3d at 684; *Shane v. The Parish of Jefferson*, 2014-2225, p. 9-10 (La. 2015), 209 So.3d 726, 735-36; *Title Research Corp. v. Rausch*, 450 So.2d 933, 936 (La. 1984). The Public Records Law gives effect to the right set out in the Louisiana Constitution and was not intended to qualify the right in any way. *Shane*, 209 So.3d 726 at 734-36 (citing *Landis v. Moreau*, 00-1157 (La. 2001), 779 So.2d 691, 694-95). Rather, the law “must be liberally interpreted to

enlarge rather than restrict the public's access to public records." *Treadway v. Jones*, 583 So.2d 119, 121 (La. App. 4 Cir. 1990).

I. AEDC obtains at least \$322,800 in public funding a year, and the law requires records related to the use of those funds be made available to the public.

As established, AEDC is a 26 U.S.C. § 501(c)(6) nonprofit corporation, which would ordinarily exclude it from the Louisiana Public Records Act, La. Rev. Stat. § 44:1, *et seq.* See also Exhibits 1, 4. However, under the Louisiana statute pursuant to which it was founded, AEDC is subject to the Public Records Law, because it receives over \$10,000 in public funding in a calendar year:

Without altering the private nature of economic development corporations, any economic development corporation which obtains funds from the state or any agency or subdivision thereof of ten thousand dollars or more in any calendar year shall, as a condition to the receipt or expenditure of such public funds, maintain all of its books and records with respect to the use or receipt of any public funds as public documents and make them available for inspection and copying pursuant to the provisions of the public records law, R.S. 44:1 *et seq.*, hold any and all meetings of such corporation with respect to the receipt or expenditure of public funds in public after due notice thereof in accordance with the provisions of the Open Meetings Law, and comply with any conditions of funding.

La. R.S. 33:9024(E)(2).

AEDC receives far more than \$10,000 in public funds per year. As stated, the Ascension Parish government recently approved it for more than \$300,000 in public money (and does so annually). Exhibit 6, Petition ¶ 20. AEDC further admits it "is principally funded by public appropriations." Exhibit 1. Thus, AEDC is required, by the very statute it is incorporated under to make available records of its use of public funds.

Despite this explicit statutory requirement, AEDC asserted in response to Plaintiffs' records request that it "is a private, nonprofit organization" and "not a public agency or political subdivision" and does not "exercise governmental authority." Exhibit 2. As such, Ms. MacArthur advised Plaintiffs, "AEDC is not subject to the Louisiana Public Records Law... and will not be supplying any of the requested information." *Id.* Counsel for AEDC followed up this correspondence by arguing, "[t]his organization was established under La. R.S. 33:9024 which exempts it from your request." Exhibit 4. As AEDC states on its website, it can disregard the law

and “receive privileged and confidential data and information from [its] clients without the risk of public disclosure[.]” Exhibit 1. Thus, AEDC is withholding records concerning the use of public funds even though it admits it is “principally funded by public appropriations.” *Id.* As AEDC receives more than \$10,000 in public funding in a calendar year, La. R.S. 33:9024(E)(2) clearly establishes that it cannot circumvent the Public Records Act.

Importantly, the Louisiana Supreme Court has emphasized that in determining which records are responsive to a request, “the Public Records Law is purposefully broad and ‘all inclusive.’” *New Orleans Bulldog Soc’y v. Louisiana Soc’y for the Prevention of Cruelty to Animals*, 2016-1809, p. 12 (La. 5/3/17); 222 So.3d 679, 687. The Court emphasized that the statute’s definition of “public record” includes any record that has been,

[U]sed, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, are “public records”...

Id. 687–88 (emphasis in original). Thus, this Court should compel AEDC to produce records responsive to Plaintiffs’ request consistent with the ruling of the Supreme Court and the definition of “public record” set forth in the Public Records Law.

II. AEDC is an instrumentality of Ascension Parish, and a public or “quasi-public” body pursuant to the Public Records Act, La. Rev. Stat. § 44:1, *et seq.*

The Public Records Act requires that quasi-public nonprofit corporations and corporations acting as instrumentalities of the state or parish are subject to the law. The Act defines a “public body” as:

“[A]ny branch, department, office, agency, board, commission, district, governing authority, political subdivision, or any committee, subcommittee, advisory board, or task force thereof, **any other instrumentality of state, parish, or municipal government, including a public or quasi-public nonprofit corporation** designated as an entity to perform a governmental or proprietary function, or an affiliate of a housing authority.”

La. R.S. § 44:1(A)(1) (emphasis added).

The Louisiana Supreme Court has affirmed that this definition includes a purely private nonprofit corporation serving as an instrumentality of the government. *New Orleans Bulldog Society*, 222 So.3d at 679 (Animal advocacy organization subject to public records law with regard to its services performed pursuant to a CEA with municipality for which it received remuneration). In doing so, the Court reiterated its earlier holding that the proper focus is on a given entity’s function when determining whether the Public Records Act applies. *Id.* at 686 (citing *State ex rel Guste v. Nicholls College Foundation and Donald L. Peltier*, 564 So.2d 682 (La. 1990)). In *New Orleans Bulldog Society*, the Court noted that a nonprofit corporation was engaged in carrying out services for the city, as set out in a Cooperative Endeavor Agreement, and that it received public funds in payment for those services.

AEDC is also required to produce public records as a “quasi-public nonprofit corporation” operating as an “instrumentality” of local governments. La. R.S. 44:1(A)(1). Although La. R.S. 33:9024(E)(1) states “[e]conomic development corporations are not agencies of the state, nor of any subdivision of the state,” such corporations are also prohibited from “exercising governmental powers or carrying out functions which are purely and solely of a public nature.” Given AEDC’s origins, founding entities, public purpose, governmental function, and funding, the corporation is a quasi-public corporation operating as an instrumentality of the Parish, and thus a “public body” within the ambit of La. Rev. Stat. § 44:1 *et seq*; *New Orleans Bulldog Society*, 222 So.3d 679; *See also Nicholls College Foundation*, 564 So.2d 682 (La. 1990). It is subject to disclosure of all records related to its governmental functions under the Public Records Law. In *State ex rel Guste*, the Louisiana Supreme Court held that a nonprofit closely affiliated with a public university—evidenced by its use of public facilities, employment of state civil service employees, inclusion in the university’s budget, and a mission aligned with public education—was a quasi-public nonprofit corporation designated to perform a governmental function. 564 So.2d 682 (La. 1990). The Court repeatedly emphasized the importance of a close operational and functional relationship with a governmental entity to their “public body” analysis. *Id.*

Similar to the entities in *State ex rel Guste* and *New Orleans Bulldog Society*, the record overwhelmingly establishes that AEDC is a quasi-public nonprofit corporation and operating as an instrumentality of the state, created for and directed to the purpose of performing economic and business development on behalf of the Ascension Parish government. It was formed by the Parish and City of Gonzales, and its Board of Directors is appointed by parish and municipal governments and officials. Exhibits 1, 5. The stated purpose of the CEA “is to promote and develop industry, commerce, and economic development in the Parish of Ascension,” and the parties have “affirmatively declare[d] that this agreement is designed and intended to achieve a public purpose.” Exhibit 6; Petition, ¶20; *See generally Nicholls College Foundation*, 222 So.3d at 679; *New Orleans Bulldog Society*, 200 So.3d at 996. It bears mentioning that the most recent CEA was not only renewed; it was placed on the Ascension Parish Council’s Consent Agenda, and approved quickly without public comment. Exhibit 5, p. 1, Line Item (7)(c).

In furtherance of its shared objective, the parish government allocates the sum of \$322,800 in taxpayer funds to AEDC on a yearly basis. Petition, ¶20. Ms. MacArthur also provides quarterly updates on AEDC’s economic development initiatives to the Ascension Parish Council.²¹ Regardless of its self-serving description as a private, nonprofit organization, the record makes abundantly clear that AEDC is an instrumentality of the Ascension Parish government—the sole entity formed, supervised by, financed through, and actively directed to perform economic, business, and industrial development on behalf of the parish government.

In turn, there exists a virtual certainty that AEDC, the economic development arm of the Ascension Parish government, is heavily involved with LED, Hyundai Steel, and other companies eyeing the MegaPark for development and has records relating to these activities. AEDC and LED collaborated to create the West Bank Industrial Overlay, and the two entered a development study cost-sharing CEA thereafter.²² Today, LED’s website refers to AEDC as one of the agency’s

²¹ *See, e.g.*, Ascension Parish Finance Committee Agenda and Meeting Packet, Oct. 7, 2025, <https://ascensionparishla.portal.civicclerk.com/event/1763/files/agenda/9532>.

²² *Supra* note 11.

“Economic Development Allies.”²³ The contact information for AEDC is also listed on the Hyundai project announcement page.²⁴ Outside of these references, no information regarding AEDC’s involvement with the Hyundai project has been made available to the public.

As discussed above, the records requested from AEDC involve matters affecting property rights of Louisiana residents and landowners, environmental safety, and the rights to petition, protected by the First Amendment to the U.S. Constitution and the right to know under Art. XII, Sec. 3 of the Louisiana Constitution. As an instrumentality of the Ascension Parish government, AEDC cannot avoid disclosure of this key information—to which the public is clearly entitled—by claiming to be exempt from the Public Records Law. To restrict their access to the records requested, “would be an improper and arbitrary restriction on the public’s constitutional rights.” See *In re Matter Under Investigation*, 15 So. 3d at 989; *Capital City Press*, 696 So.2d at 564; *New Orleans Bulldog Society*, 222 So.3d at 684; *Shane*, 209 So.3d at 735-36; *Title Research Corp.* 450 So.2d at 936; *Landis*, 779 So.2d at 694-95). *Treadway*, 583 So.2d at 121.

CONCLUSION

Given AEDC’s origins, founding entities, purpose, and function, the corporation is a quasi-public corporation and operating as an instrumentality of the state, and thus a “public body” within the ambit of La. Rev. Stat. § 44:1 *et seq.* And, given its receipt of a substantial amount of public funding, its founding statute also requires that AEDC must be subject to the Public Records Law.

[Signature block on following page]

²³ Louisiana Economic Development, *Ascension Economic Development Corporation*, <https://www.opportunitylouisiana.gov/resource/ascension-economic-development-corporation>.

²⁴ Louisiana Economic Development, *Governor Jeff Landry & LED Secure \$5.8 Billion Hyundai Steel Mill*, <https://www.opportunitylouisiana.gov/hyundai-steel>.

Respectfully submitted,



Adrian K. Alpay
La. Bar Roll No. 39783
711 E. Ascension St.
PMB219
Gonzales, LA 70737
Telephone: (225) 255-1448
Email: adrian@alpaylaw.net

Pamela C. Spees
La. Bar Roll No. 29679
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
Telephone: (212) 614-6431
Fax: (212) 614-6499
Email: pspees@ccrjustice.org

Counsel for Plaintiffs

PLEASE SERVE:

Ascension Economic Development Corporation
Corporation Service Company
and/or Dwight D. Poirrer
1210 E Worthey St., Unit B
Gonzales, LA 70737

Kate MacArthur
President/CEO
Ascension Economic Development Corporation
1210 E Worthey St., Unit B
Gonzales, LA 70737