

**23<sup>rd</sup> JUDICIAL DISTRICT COURT  
PARISH OF ASCENSION  
STATE OF LOUISIANA**

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

*Petitioners,*

*versus*

**ASCENSION PARISH,**

*Respondent.*

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

Division: \_\_\_\_\_

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

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

**MEMORANDUM OF LAW IN SUPPORT  
OF PETITION FOR WRIT FOR MANDAMUS  
UNDER THE LOUISIANA PUBLIC RECORDS ACT**

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

**INTRODUCTION**

The question presented in this case is whether local governments can withhold from the public certain Non-Disclosure Agreements (“NDAs”) entered into by Parish Council members in which they agree to keep secret any discussions, meetings, and communications they have regarding unnamed prospective business interests. Petitioners learned that at least one Ascension Parish Council member has entered into an NDA with the Louisiana Office of Economic Development (LED).<sup>1</sup> The NDA prevents him from discussing or making publicly available information received from LED in connection with certain “business interests” and requires him to keep confidential any related conversations or meetings in which he participates.<sup>2</sup> When Petitioners requested any and all NDAs considered or signed by any and all council members, employees, or other representatives of Ascension Parish, the Parish responded that such records

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<sup>1</sup> Confidentiality and Non-Disclosure Agreement between Ascension Parish Council Member Chase Melancon and Louisiana Economic Development, effective Sept. 19, 2024, annexed to Petition for Writ of Mandamus as Exhibit A (hereinafter “Melancon NDA”).

<sup>2</sup> *Id.*

were exempt from disclosure pursuant to La. R.S. 44:22.2, a controversial amendment to the Public Records Law passed in 2024 that shielded records relating to economic development upon request by a prospective business interest and after approval by the Parish President and Council.

Records relating to business and economic development projects are of critical importance to the people in Ascension Parish, and in the state more broadly, as they stand to be greatly affected by such developments – as residents who will feel the effects of such projects, and as taxpayers.<sup>3</sup> In this case, Petitioners are faced with a massive industrial “MegaPark” development project on the West Bank of the Parish that has been touted by LED and Parish officials<sup>4</sup> offering enormous incentive packages involving blue hydrogen infrastructure, which relies on Carbon Capture and Storage (“CCS”) technology and the transport of carbon dioxide via pipelines.<sup>5</sup> These are very controversial technologies and there is growing opposition to them around the state.<sup>6</sup> In addition, the industrial “MegaPark” would require the forced displacement of the community of Modeste – described by local officials as a “voluntary buyout”<sup>7</sup> – and a takeover of 17,000 acres of land that has to this point been zoned as a Conservation district because it is deemed “environmentally fragile.”<sup>8</sup> Petitioners are concerned that these negotiations and developments have been shrouded in secrecy.

La. R.S. 44:22.2 provided a way for state and local officials to keep records of these types of developments away from the public’s view, keeping Louisiana residents in the dark as to the workings of their local officials for up to a year, while requiring procedures to put the public on notice that a confidentiality scheme is in place. Here, though, the Parish wants to shield even the

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<sup>3</sup> Tyler Bridges and Stephanie Riegel, *Hyundai's new steel mill, seen as a huge win for Louisiana, has a \$600M taxpayer price tag*, The Times Picayune, May 29, 2025, [https://www.nola.com/news/business/hyundai-steel-mill-will-cost-taxpayers-in-louisiana-600m/article\\_267b82f7-006b-4d02-a934-cf468d881960.html](https://www.nola.com/news/business/hyundai-steel-mill-will-cost-taxpayers-in-louisiana-600m/article_267b82f7-006b-4d02-a934-cf468d881960.html).

<sup>4</sup> 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>.

<sup>5</sup> 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_Blue_Hydrogen_Not_Clean_Not_Low_Carbon.pdf).

<sup>6</sup> Elise Plunk, *Central Louisiana residents, leaders sue state over carbon capture land grabs*, Louisiana Illuminator (Nov. 20, 2025), <https://lailuminator.com/2025/11/20/central-louisiana-residents-leaders-sue-louisiana-over-carbon-capture-land-seizures/>.

<sup>7</sup> 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](https://www.theadvocate.com/baton_rouge/news/business/property-buyout-modeste/article_8bd51b29-f7c4-4045-8dbf-c273725858bd.html).

<sup>8</sup> 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](https://library.municode.com/la/ascension_parish/codes/unified_land_development_code?nodeId=APXIIDECO_17-2022CO5DIC5).

fact of the NDAs under this law. Setting aside the serious question of the constitutionality of La. R.S. 44:22.2 as to the records it seeks to exempt from disclosure, NDAs do not even fall within that category of record and must be disclosed to the public as evidenced by the notification procedures set out in the new law. Even if such secrecy agreements did fall within that category of documents, Parish officials have not complied with the procedural prerequisites of the law in order to cover them with the confidentiality designation, and they must be disclosed to Petitioners.

### FACTUAL BACKGROUND

After learning that at least one Ascension Parish Council Member had entered into an NDA with LED on September 24, 2025,<sup>9</sup> counsel for Petitioners submitted a public records request for any and all other NDAs that other council members, staff, or representatives of Ascension Parish may have considered and/or signed via the public records portal on the website of the Ascension Parish Government Complex.<sup>10</sup>

The request sought:

- (1) All drafted or executed non-disclosure agreements (“NDAs”) between any member, representative, or staff of the Parish Council, or any other part of Parish government, and the Louisiana Department of Economic Development (“LED”) or any other part of the Louisiana state government;
- (2) All drafted or executed NDAs between any member, representative, or staff of the Parish Council, or any other part of Parish government, and any corporation or business entity.<sup>11</sup>

On October 2, 2025, the Parish responded to the request stating, “Pursuant to La. R.S. 44:22.2, records responsive to this request are confidential and not subject to disclosure.”<sup>12</sup> La. R.S. 44:22.2 was a controversial amendment<sup>13</sup> to the Public Records Law in 2024 because it allowed public records to be treated as confidential when they pertain to “an active negotiation with a person for the purpose of a proposed project involving the retention, expansion, or attraction of further economic development within the local government’s jurisdictional boundaries...” if “the person requests such confidentiality in writing.” La. R.S. 44:22.2(A).

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<sup>9</sup> Melancon NDA, *supra* n. 1.

<sup>10</sup> Plaintiffs’ Public Records Request to Ascension Parish, annexed as Petition for Writ of Mandamus as Exhibit B.

<sup>11</sup> *Id.*

<sup>12</sup> Ascension Parish response to Records Request, Oct. 2, 2025, annexed to Petition for Writ of Mandamus as Exhibit C.

<sup>13</sup> Kelly Kauffman, *For the Record: New bill in Louisiana would exempt economic development projects from the state’s public record law*, MuckRock, Apr. 17, 2024, <https://www.muckrock.com/news/archives/2024/apr/17/for-the-record-new-bill-in-louisiana-would-exempt-economic-development-projects-from-the-states-public-record-law/>.

However, in order for the confidentiality designation to be in compliance with the new law, the law requires that the decision be approved by the local government in meetings consistent with the Open Meetings Law, with notice published on the official website and in the official journal. *Id.* On Nov. 19, 2025, undersigned counsel sent an inquiry to the Parish custodian via the public records portal seeking records of any published notices and minutes of meetings where such confidentiality designations may have been discussed and approved.<sup>14</sup> On December 9, 2025, the Parish responded to say that no minutes of affirmative votes exist – confirming that the Parish did not follow the required procedure for bestowing confidentiality. Petition ¶19. The Parish then asserted a deliberative process privilege, but did not explain how a final, executed CEA would be “deliberative.” *Id.* The Parish then asserted that “Hyundai has a reasonable expectation of privacy concerning its’ trade secrets,” but failed to explain how an NDA with LED or any other entity would contain Hyundai’s trade secrets. .

## LAW AND ARGUMENT

Article XII 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.” The Louisiana Supreme Court has repeatedly applied and instructed a broad reading of Article XII 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) (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 Society v. La. SPCA*, 222 So.3d 679, 684 (La. 2017); *Title Research Corporation v. Rausch*, 450 So.2d 933, 937 (La. 1984).

The Public Records Law, 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

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<sup>14</sup> Petitioners’ message to Ascension Parish Custodian, annexed to Petition for Writ of Mandamus as Exhibit D.

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*, 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.*

In this case, Ascension Parish is withholding from the public at least one NDA signed by one of its council members on the grounds that the NDA is exempt from disclosure under the 2024 amendment to the Public Records Law contained at La. R.S. 44:22.2. The amendment controversially created an exemption for records pertaining to an “active negotiation with a person for the purpose of a proposed project involving the retention, expansion, or attraction of further economic development within the local government's jurisdictional boundaries.” La R.S. 44:22.2(A). “Active negotiation” is defined as “a negotiation that has commenced concerning a project for the retention, expansion, or location of a business within the jurisdictional boundaries of the local government and which is not concluded when the local government receives a request for information or other similar document concerning the project.” La. R.S. 44:22.2(C)(1).

Apart from the suspect constitutionality of La. R.S. 44:22.2, the type of record sought here – an NDA – clearly does not fall within the category the amendment sought to protect. The fact that the new law created a set of procedures requiring public notice that a confidentiality scheme is in place is the clearest evidence that NDAs requiring confidentiality are not among the records the law was intended to shield from the public. Such secrecy agreements are not themselves records pertaining to an “active negotiation with a person for the purpose of a proposed project involving the retention, expansion, or attraction of further economic development” set forth in La. R.S. 44:22.2(A).

Beyond that, the law imposes some procedural prerequisites to activate the confidentiality designation. The request for confidentiality must be in writing and must detail “the reasons such

person requests confidentiality” and “assert that the negotiation is conditioned in whole or in part on the maintenance of such confidentiality.” La. R.S. 44:22.2(A). Further, the chief executive officer (“CEO”) of the local government, defined La. R.S. 44:22.2(C)(2) as the mayor of a municipality or president of a parish, must determine that disclosure of the records would have a detrimental effect on the negotiation, with the reasons for the determination. *Id.* The law also requires that the local government must approve the CEO’s determination to enter into such an agreement consistent with the requirements of the Open Meetings Law, and that the local government shall publish “on its website and in its official journal a notice containing general information regarding each negotiation to which records are confidential... no later than five days after the determination of confidentiality.” *Id.*

The Parish has confirmed it has not followed these procedures governing notice and approval requirements for any confidentiality designations. Petition, ¶19. Even if the Parish had followed those procedures to trigger confidentiality upon request from a prospective business interest, the amendment to the Public Records Law cannot exempt from disclosure NDAs between LED and Parish officials because such agreements do not constitute a record pertaining to an “active negotiation with a person for the purpose of a proposed project involving the retention, expansion, or attraction of further economic development” set out in La. R.S. 44:22.2(A). More fundamentally, the public has a right to know when their elected officials have entered into agreements to shroud their official discussions and meetings in secrecy.

After confirming it had not followed the requisite confidentiality procedures, the Parish then asserted the “deliberative process” and “trade secret” privileges, but did not explain how an executed NDA would fall within either. It is not a deliberative document, but a final agreement; and an NDA, like the one annexed as Exhibit A, does not contain “trade secrets” but rather constitutes an agreement to maintain confidentiality of *other* records and information, some of which may include “trade secrets.” Moreover, the Parish also invoked La. R.S. 44:4(3) but that would not be applicable since it applies to officers or agencies “whose duties and functions are to investigate, examine, manage in whole or in part, or liquidate the business of any private person, firm or corporation.” *See Angelo Iafrate Const., L.L.C. v. State ex rel. Dep’t of Transp. & Dev.*, 2003-0892, p. 9 (La.App. 1 Cir. 5/14/04); 879 So.2d 250, 258, *writ denied sub nom. Angelo Lafrate*

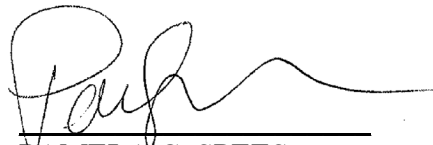
*Const., L.L.C. v. State ex rel. Dep't of Transp. & Dev.*, 2004-1442 (La. 9/24/04); 882 So.2d 1131 (denying the exemption for DOTD records because its primary function is “not investigatory, nor is it generally involved in managing or liquidating a business”). The Parish also invoked La. R.S. 40:13(b) and 16(a) but those statutes are related to public health units and are not relevant to the questions in this case.

Public officials in Louisiana take an oath to support the constitutions of the United States and the state of Louisiana and to “faithfully and impartially” perform the duties entrusted to them by the people. Art. XII, Sec. 3 of the Louisiana Constitution enshrines the right of the people to “observe the deliberations of public bodies and examine public documents.” Secrecy agreements like NDAs violate that right.

### CONCLUSION

In light of the foregoing, Petitioners pray that a writ of mandamus be issued, directing Respondent to disclose the records requested, or show cause why they should not be ordered to do so. Petitioners pray for an award of attorney’s fees, costs, damages, and civil penalties, as provided by law.

Respectfully submitted,



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