

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 \_\_\_\_\_

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

**SUMMARY PROCEEDING**

NOW INTO COURT, through undersigned counsel, come Rural Roots Louisiana and the Louisiana Bucket Brigade (collectively, “Petitioners”), who, 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, request that: (1) this Court issue a Writ of Mandamus directing the Respondent Ascension Parish to provide Petitioners with public records in their possession, and (2) set an expedited hearing within ten days of service of this petition as required by La. Code of Civ. Proc. 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 thereof, Petitioners state as follows:

**INTRODUCTION**

1. This case involves government secrecy in matters that are of great public concern and importance. In particular, Petitioners seek Non-Disclosure Agreements (“NDAs”) entered into between Ascension Parish officials and the Louisiana Office of Economic Development (“LED”) and any other entity that require these elected officials to maintain secrecy in matters relating to their official duties.

<sup>1</sup> See also La. Code Civ. Proc. arts. 2591, 2595.

2. LED and Ascension Parish have touted a massive industrial development project on the West Bank of the Parish<sup>2</sup> which will involve blue hydrogen infrastructure which relies on Carbon Capture and Storage (“CCS”) technology and transport of carbon dioxide via pipelines.<sup>3</sup> These are very controversial technologies that have generated a great deal of opposition in the state.<sup>4</sup> In addition, the project would require the forced displacement – described by Parish officials as a “voluntary buyout” – of the community of Modeste 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>5</sup>

3. Given the stakes for Petitioners’ members, staff, the affected community, and people around the state, Petitioners bring this action in pursuit of their rights under Art. XII, Sec. 3 to “observe the deliberations of public bodies and examine public documents,” to ensure transparency in the democratic process on matters of profound public concern.

#### **PARTIES**

4. Petitioner Rural Roots Louisiana (“Rural Roots”) was founded in 2023, in Donaldsonville, Louisiana. Its mission is to introduce kids to environmental justice, provide literacy programs, promote community stewardship and earth care, help make communities aware and educate kids on social justice by teaching art and gardening. All of Rural Roots’ members live in Ascension Parish, and some in the area targeted for this heavy industrial development.

5. Louisiana Bucket Brigade (“Bucket Brigade”), is a Louisiana nonprofit organization, based in New Orleans, that works for environmental health and justice with communities in Louisiana located near heavy industry, including oil refineries and chemical plants. The organization works to achieve a healthy, prosperous, pollution-free and just state where people and

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<sup>2</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>3</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*.

<sup>4</sup> 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/>.

<sup>5</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>.

the environment are valued over profit. The Bucket Brigade has staff who work in Ascension Parish.

6. Petitioners are “persons” within the meaning of La. Rev. Stat. § 44:31. *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 the courts must presume that the reference to ‘person’ in La. Rev. Stat. § 44:1 *et seq.* “refers to not only natural persons, but to corporations or companies.”).

7. Respondent, Ascension Parish, is a local governmental political subdivision of the State of Louisiana operating under a Home Rule Charter and therefore juridical entity and a public body, as defined by La. R.S. § 44:1(A)(1).

### **JURISDICTION AND VENUE**

8. This court has jurisdiction to issue a writ of mandamus ordering the production of improperly withheld public records, and to award attorneys’ fees and costs in connection therewith, under La. R.S. § 44:35, and Art. XII, Sec. 3 of the Louisiana Constitution.

9. Venue is proper in this court, as the Ascension Parish Government Complex is located in Gonzales, Louisiana, in Ascension Parish. La. R.S. 44:35(A).

### **FACTS**

10. Through a document produced by the Louisiana Office of Economic Development (“LED”) in response to an unrelated records request, Petitioners learned that at least one member of the Ascension Parish Council entered into an NDA<sup>6</sup> with LED that prevents him from discussing or making available information received from LED in connection with certain “business interests” and which requires him to keep confidential any related conversations or meetings.

11. Petitioners then submitted a records request to Ascension Parish on September 24, 2025, for copies of all NDAs signed by any Parish officials, employees, or representatives.

12. 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;

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<sup>6</sup> Confidentiality and Non-Disclosure Agreement between Ascension Parish Council member Chase Melancon and LED, annexed hereto as Exhibit A.

(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.

13. 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.” Ascension Parish Response, Oct. 2, 2025, annexed hereto as Exhibit C.

14. La. R.S. 44:22.2 was a controversial amendment to the Public Records Law in 2024 which 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).

15. In order for the confidentiality designation to be in compliance with the new law, the request 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.” *Id.* Further, the chief executive officer (“CEO”) of the local government – in this case the Parish President – must determine that disclosure of the records would have a detrimental effect on the negotiation, with the reasons for the determination. *Id.*

16. 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.*

17. Undersigned counsel has searched the Parish’s website, most recently on December 9, 2025, and has seen no such confidentiality notices published.

18. On Nov. 19, 2025, undersigned counsel sent an inquiry to the Parish custodian via the Parish’s public records portal seeking any notices and minutes of meetings where such confidentiality designations may have been discussed and/or approved, as well as “any notices published thereafter regarding each negotiation for which records are to be deemed confidential pursuant to La. R.S. 44:22.2.” Petitioners’ Message to Custodian, annexed hereto as Exhibit D.

19. On December 9, 2025, an Assistant District Attorney replied on behalf of the Parish confirming that no affirmative vote minutes exist. Letter from Jean-Paul Robert of Dec. 9, 2025, annexed hereto as Exhibit E. Specifically, counsel stated,

There are not *[sic]* affirmative vote minutes that exist. However, the deliberative process privilege protects “confidential intra-agency advisory opinions disclosure of which would be injurious to the consultative functions of government.” *Kyle v. Louisiana Public Service Commission*, 878 So.2d at 659, quoting *Taxation With Representation Fund v. Internal Revenue Service*, 646 F.2d 666, 677 (D.C.Cir.1981). *Louisiana Dep't of Ins. ex rel. Donelon v. Theriot*, 2010-0069 (La. App. 1 Cir. 5/3/11), 64 So. 3d 854, 861, writ denied, 2011-1139 (La. 9/30/11), 71 So. 3d 286. Therefore, any information pertaining to any negotiations or non-disclosure agreements are subject to deliberative process privilege and are exempt from production.

Counsel then continued,

In addition, the document requested is a private document prepared by a private corporation and is exempt pursuant to La. R.S. 44:4(3) and pertains to financial information and trade secrets of a private company which information is exempt pursuant to La. R.S. 40:13(b) and 16(a). Hyundai has a reasonable expectation of privacy concerning its' trade secrets. *Raiser v. City of New Orleans*, 2016-0930 (La. App. 4 Cir 6/14/17), 222 So. 3d 806.

20. To recap, in the Parish's first response on Oct. 2, 2025, it claimed that the NDAs Petitioners sought were exempt from disclosure under the recent amendments to the Public Records Law found at La. R.S. 44:22.2. Then, after Petitioners asked for records of the public notices and meeting minutes where such confidentiality requests were approved as required under the law to activate the confidentiality exemptions, the Parish responded to acknowledge that “no[] affirmative vote minutes [] exist.” Then the Parish asserted a deliberative process privilege without explaining how an executed NDA could be covered by the deliberative process privilege.

21. Following that, the Parish asserted “Hyundai has a reasonable expectation of privacy concerning its' trade secrets,” though the Parish's counsel did not explain how an NDA – particularly like the one contained in Exhibit A – would contain or constitute trade secret information. Moreover, the Parish also referenced La. R.S. 44:4(3) but that provision 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.” The Parish also referenced La. R.S. 40:13(b) and 16(a) but those provisions relate to parish health units, so they are not relevant to the request.

22. Returning to the Parish's original response, i.e. that the records sought were exempt under La. R.S. 44:22.2, and setting aside serious questions as to the constitutionality of the controversial amendment allowing confidentiality of records concerning economic development projects, the amendment's requirements of public notice and compliance with the Open Meetings Law clearly demonstrate that documents like NDAs are not intended to be covered by the new law. The procedures are intended to notify the public that a confidentiality scheme is in place that will shield records of negotiations relating to economic development.

23. Even if the Parish had followed those procedures to activate confidentiality upon request from a prospective business interest, the amendment to the Public Records Law would not shield from disclosure NDAs between LED and Parish officials, as they themselves do not fall within the definition of the exempted records of an "active negotiation" pursuant to La. R.S. 44:22.2(C)(1).

24. Finally, even assuming *arguendo* that NDAs like those challenged here did fall within the definition of records shielded from disclosure, the Parish has confirmed in its communication of Dec. 9, 2025, that it has not followed the procedures necessary for activating the confidentiality provisions and the NDAs would not be shielded under the La. R.S. 44:22.2.

25. Public officials in Louisiana swear an oath to support the constitutions of the United States and State of Louisiana and to "faithfully and impartially discharge and perform all the duties" incumbent upon them. La. Const. Art. X, Sec. 30.

26. The public has a right to know what their elected officials are doing in furtherance of their duties while in office, and whether they are doing it lawfully, including whether they are acting in compliance with the Open Meetings Law, La. R.S. 42:11, *et seq.*; and, most critically, they have a right to know when their elected officials have entered into agreements to shroud their work, discussions, and meetings in secrecy.

27. Pursuant to La. Rev. Stat. § 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.

28. Pursuant to La. Rev. Stat. § 44:1 *et seq.*, this court is authorized to issue a writ of mandamus, compelling Respondent to produce the requested documents being withheld from

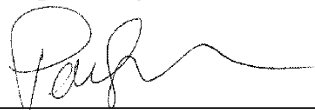
Petitioners, to declare Petitioners entitled to inspect the identified public records, and direct Respondent to preserve the requested records in the same form and substance they existed at the time of the request.

29. Petitioners respectfully request an expedited hearing be scheduled within ten days of the filing of this Petition, pursuant to La. Code of Civ. Proc. Art. 3782, and La. Rev. Stat. § 44:35, which requires that this summary action be tried by preference and in a summary manner.

### **PRAYER FOR RELIEF**

**WHEREFORE**, 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 also pray for an award of attorney's fees, costs, damages, and civil penalties, as provided by law.

Respectfully submitted,



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### **PLEASE SERVE:**

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