Civil District Court for the Parish of Orleans STATE OF LOUISIANA

No. <u>2015 - 04547</u>

Section: 06 - L

THE LENS ET AL

versus

LANDRIEU, MITCHELL J. ET AL

Date Case Filed: <u>5/12/2015</u>

NOTICE OF SIGNING OF JUDGMENT

TO:

Scott L Sternberg Esq 33390 1100 Poydras St Ste 3600 New Orleans LA 70163

Cherrell R Simms Esq 28227 1300 Perdido Street, Suite 5E03 New Orleans LA 70112

In accordance with Article 1913 C.C.P., you are hereby notified that Judgment in the above entitled and numbered cause was signed on June 1, 2015

New Orleans, Louisiana.

June 1, 2015



CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS STATE OF LOUISIANA

No. 2015-4547

Division "L"

Section "6"

THE LENS, CHARLES MALDONADO AND ABRAM HANDLER

VERSUS

MITCHELL J. LANDRIEU, IN HIS OFFICIAL CAPACITY AS MAYOR OF THE CITY OF NEW ORLEANS, AND THE CITY OF NEW ORLEANS

Filed:		
]	Deputy Clerk

JUDGMENT

This matter came for hearing on May 29, 2015. The parties are represented as follows:

SCOTT STERNBERG

3600 Entergy Centre 1100 Poydras Street New Orleans, Louisiana 70163 Attorney for Plaintiffs, The Lens, Charles Maldonado, and Abram Handler

And

CHERRELL R. SIMMS AND SHARONDA WILLIAMS

1300 Perdido Street, Room 5E03 New Orleans, Louisiana 70112

Attorneys for Defendants, Mitchell J. Landrieu, in his official capacity as Mayor of the City of New Orleans, and the City of New Orleans

IT IS ORDERED, ADJUDGED, AND DECREED that the Petition for Writ of Mandamus, Injunctive, and Declaratory Relief, made by Plaintiffs, The Lens, Charles Maldonado, and Abram Handler, is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs' request for attorney fees and costs is DENIED.

ORDER, READ, AND SIGNED, this [

day of

New Orleans, Louisiana.

JUDGE KERN A. REESE

DIVISION "L"

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS STATE OF LOUISIANA

No. 2015-4547

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THE LENS, CHARLES MALDONADO AND ABRAM HANDLER

VERSUS

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Filed:	
	 Deputy Clerk

REASONS FOR JUDGMENT

Plaintiffs herein, *The Lens*, Charles Maldonado and Abram Handler, have filed a Petition for Writ of Mandamus, Injunctive and Declaratory Relief against defendants, Mitchell J. Landrieu, In His Official Capacity as Mayor of the City of New Orleans, and The City of New Orleans for alleged noncompliance with the Public Records Law of Louisiana, La. R.S. 44:1, et. seq., following a series of public records requests commencing on or about January 28, 2015.

Plaintiffs have decried the alleged inordinate delays Defendant, City of New Orleans, engaged in when not timely answering the requests. Plaintiffs asserted, pursuant to La. C.C.P. art. 3863 that defendant, Mitchell J. Landrieu, as Mayor of the City of New Orleans, failed in his ministerial duties in not timely providing the requested information. A hearing was had on May 29, 2015 on the issues presented herein.

The court duly acknowledges the Louisiana constitutional consideration that:

No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law. La. Const. art. 12, § 3.

This court has consistently upheld the right of citizens and various media entities to have access to public documents. The issue herein has crystalized into whether defendant, City of New Orleans, has habitually taken an inordinate amount of time in formulating responses to Public Records requests. Plaintiffs seek the extraordinary remedy of injunctive relief to enjoin dilatory responses in the future. They additionally seek a writ of mandamus to mandate performance of this function which has been upheld as a reasonable vehicle to obtain compliance. *Vandenweghe v. Parish of Jefferson*, 11-52 (La.App. 5 Cir. 5/24/11), 70 So.3d 51.

The Louisiana Public Records Law is NOT hard, fast, and definite. There are exceptions. The court acknowledges that response time may vary depending upon the simplicity or complexity of the request. Some responses may contain privileged information, attorney work product, personal privacy information, etc. and therefore, must be screened to cull out such information.

First and foremost, the court fully expects Defendants to comply with Louisiana Public Records Law. Under La. R.S. 44:32(D) defendants are to respond to individuals making public records requests within three (3) days exclusive of Saturdays, Sundays, and holidays as to whether or not the request is indeed a public document susceptible of being provided. Defendant,

City of New Orleans, in its response, indicated most responses are fulfilled within twelve (12) days. These cases can only be decided on a case by case basis to ascertain if any unwarranted recalcitrance or other nefarious motivations are involved.

Since all records requests have been fulfilled, the court DENIES the request for injunctive relief and writ of mandamus for the reasons stated herein. However, should the constitutional mandates of access to public documents be abridged, such action will be dealt with accordingly. Plaintiffs' requests for attorney's fees and costs are DENIED as well.

ORDER, READ, AND SIGNED, this

_ day of

201**/**, New

Orleans, Louisiana.

JUDGE KERN A. REESE DIVISION "L"