

RANDALL SCOTT ILES

JUDICIAL DISTRICT COURT

VERSUS

: DOCKET NUMBER: _____

LAFAYETTE CONSOLIDATED GOVERNMENT : LAFAYETTE PARISH, LOUISIANA

.....

PETITION FOR RESTRAINING ORDER

NOW INTO COURT, comes **RANDALL SCOTT ILES**, pro se, a resident of the full age of majority and domiciled in Lafayette Parish, Louisiana, and who practices law at 1200 West University Avenue, Lafayette, Louisiana, who respectfully represents:

1.

Sought to be made defendant herein is the **LAFAYETTE CONSOLIDATED GOVERNMENT**, a local government entity enforcing rules and ordinances throughout the parish of Lafayette.

2.

Plaintiff has been a property owner for nearly thirty years at the same location -- 1200 West University Avenue, Lafayette, Louisiana. During the last three decades, plaintiff has enjoyed the right to publicly display temporary political signs.

3.

This year, signs have been displayed on plaintiff's property for both a candidate for City-Parish President, as well as a candidate for district judge.

4.

After these signs were erected by these campaigns, a notice of violation letter was issued by the Lafayette Consolidated Government dated June 26, 2023. The violation claims that the signs violate LDC-89-90 (k)(1)(b) alleging that the square footage of a sign can not exceed 32 square feet in area. The two signs on plaintiff's property are 4 x 4 feet and 6 x 4 feet.

5.

Similar signs have been erected without problem in the past.

6.

The ability to erect a sign on one's property is a Constitutional Right guaranteed by the United State Supreme Court in *Reed v. Town of Gilbert*, 576 US 155 (2015). The Lafayette Consolidated Government can only diminish one's right to political free speech if there is not just a government interest, but a "compelling government interest".

7.

The only compelling government interest for signs such as this might be the impediment of view. However, nothing about the two signs present on plaintiff's property impedes any interest of the Lafayette Consolidated Government.

8.

After receiving the notice of violation, a public records request was directed to the Lafayette Consolidated Government. After some time, the Lafayette Consolidated Government legal department issued a "prepay" order for producing these records at a cost of \$177.00.

9.

This request was honored by way of a check dated July 27, 2023. Instead of producing actual records, an email was sent to plaintiff's office by the Lafayette Legal Department/Gregory J. Logan. The documents contained in the email included over 340 pages of records, most of which are not applicable to political sign enforcement, and certainly are a hodge podge of notices.

10.

It is clear from the response of the legal department of the Lafayette Consolidated Government that there is a disparate enforcement of the Rule found in LDC 89-90 (k)(1)(b).

11.

In fact, within just a few short blocks of plaintiff's property, two exact signs are positioned on University Avenue. After inquiring as to whether a notice of violation was issued to the owner of that property, the owner pointed out that he had not hosted a fundraiser for a candidate for City-Parish President. The point is well taken.

12.

There are multiple examples photographed after the notice of violation that shows there are various other political signs that are in and about Lafayette without corresponding notices of violation.

13.

Therefore, it is assumed that there is not only a failure to prove a compelling Government interest, there is a disparate application of this rule altogether.

14.

Plaintiff is entitled to a temporary restraining order restraining the Lafayette Consolidated

Government from quelching political speech which is guaranteed by the First Amendment and the Louisiana Constitution of 1974.

15.

Therefore, it is prayed that the Court enter a preliminary restraining order throughout the duration of the political cycle so plaintiff has the right to exercise political free speech without interference from the Lafayette Consolidated Government under circumstances such as this.

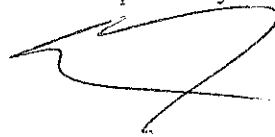
16.

Furthermore, because notice of violation constitutes an attempt at suppression of free speech, it is prayed that this Court award both costs and attorney's fees associated with having to bring this action.

Wherefore, premises considered, **RANDALL SCOTT ILES** prays that this Petition for Restraining Order be filed into the record. Let the defendant be served and cited to appear and answer the same, and after the lapse of all legal delays and due proceedings are had, there be a judgment in favor of plaintiff as follows:

- (A) Temporary restraining order entered be issued herein as to plaintiff's right to exercise political free speech without interference from the Lafayette Consolidated Government;
- (B) Preliminary restraining order be entered throughout the duration of the political cycle so plaintiff has the right to exercise political free speech without interference from the Lafayette Consolidated Government under circumstances such as this; and
- (C) There be an award of both costs and attorney's fees associated with having to bring this action.

Respectfully Submitted:



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PLEASE SERVE:

LAFAYETTE CONSOLIDATED GOVERNMENT
through its City-Parish President
Josh Guillory
704 West University Avenue
Lafayette, LA

RANDALL SCOTT ILES

: 15TH JUDICIAL DISTRICT COURT

VERSUS

: DOCKET NUMBER: _____

LAFAYETTE CONSOLIDATED GOVERNMENT : LAFAYETTE PARISH, LOUISIANA

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ORDER

Considering the foregoing petition:

IT IS ORDERED, ADJUDGED AND DECREED that a temporary restraining order be issued herein as to plaintiff's right to exercise political free speech without interference from the Lafayette Consolidated Government.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a hearing be set on the _____ day of _____, 2023 at _____ a.m. in Lafayette, Louisiana for defendant to show

cause why:

- (A) A preliminary restraining order should not be entered throughout the duration of the political cycle so plaintiff has the right to exercise political free speech without interference from the Lafayette Consolidated Government under circumstances such as this; and
- (B) An award of both costs and attorney's fees should not be awarded to plaintiff associated with having to bring this action.

Lafayette, Louisiana this ____ day of August, 2023.

DISTRICT JUDGE