

DIVISION _____

KENNETH JOHNSON

NINTH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF RAPIDES

CITY OF PINEVILLE ET AL.

STATE OF LOUISIANA

**PETITION FOR MADAMUS, OR ALTERNATIVE FOR A MANDATORY
INJUNCTION, AND STATUTORY PENALTIES AND ATTORNEY FEES**

The petition of, **KENNETH JOHNSON**, a domiciliary of full age and majority, of this Parish and state, respectfully represents that:

I.

Made party-defendants herein are the **CITY OF PINEVILLE, LOUISIANA**, a municipality existing under the laws of the State of Louisiana, and located within the Parish of Rapides, State of Louisiana, and **ELLEN MELANCON**, a domiciliary of this State and the designated Public Records Custodian for the City of Pineville.

II.

On or about October 1, 2007, Plaintiff, though his attorney, sent a request for public records, under the provisions of LSA-R.S. 44:2 *et seq.* to the Defendant, **CITY OF PINEVILLE**.

III.

The Defendants admitted to having received that request on October 3, 2007.

IV.

The subject request for records, contained Request Number 3, which was:

"The arrest report and/or booking entry for any individuals who were arrested during the month of September 2007, as a result of a physical altercation with any member of the Pineville Police Department."

V.

The Defendants denied that request for those records, claiming that such were exempted from disclosure under the provisions of LSA-R.S. 44:3, and have not made those records

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AND

available through this date.

VI.

Petitioner shows that the denial on October 8, 2007, by the Defendants, of these particular requested Public Records was arbitrary, capricious and contrary to law.

VII.

Additionally, Petitioner's request Number 9 was:

"All e-mails to and from Rich Dupree on his City e-mail account, and which you have segregated from those exempt under the Public Records Law, in connection with that lawsuit entitled City of Pineville vs. Gregory Aymond."

VIII.

Petitioner also requested that those computerized e-mails be provided in a digital format, which is the most economical and efficient method of their production.

IX.

The Defendants refused, on October 8, 2007, to provide those computerized records in the format requested.

X.

In acting contrary to statute, and in an arbitrary and capricious manner, Petitioner desires and is entitled to receive a reasonable attorney fee together with a penalty of **ONE HUNDRED AND NO/100 (\$100.00) DOLLARS** per day, from October 8, 2007, from the Defendants all as is provided for in LSA-R.S. 44:35.

XI.

Petitioner desires and is entitled to injunctive relief, or, alternatively, a writ of mandamus, ordering the Defendants to comply with the public records request disputed herein.

XII.

Petitioner desires and is entitled, under the provisions of LSA-R.S.44:35(C), to have this matter tried by preference and in a summary manner.

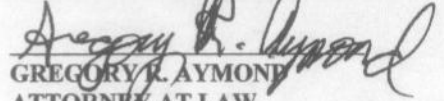
WHEREFORE PETITIONER PRAYS, that a copy of this Petition, together with citation to appear and answer the same, be duly served upon the Defendants, **CITY OF PINEVILLE** and **ELLEN MELANCON**, and that after all legal delays and due proceedings are had, there be judgment herein, as set forth above, against the Defendants, *in solido*, together with a penalty of **ONE HUNDRED AND NO/100 (\$100.00) DOLLARS**, per day, from October 8,

2007, plus all costs;

PETITIONER FURTHER PRAYS, that this Honorable Court order the Defendants to appear and show cause, if any they have or can, on a date and time set by this Court, why the relief requested herein should not be granted;

PETITIONER FURTHER PRAYS, for full, general and equitable relief.

RESPECTFULLY SUBMITTED:


GREGORY R. AYMONÉ

ATTORNEY AT LAW

Post Office Drawer 5503

3229 Industrial Street

Alexandria, Louisiana 71307

Tele: (318) 445-3618

Fax: (318) 448-6133

Bar Role No.: 17,449

Attorney for Petitioner, Kenneth Johnson

SERVICE INFORMATION:

Please Serve both Defendants at:

ELLEN MELANCON

Pineville City Hall

910 Main Street

Pineville, Louisiana

-and-

CITY OF PINEVILLE

Through its' Mayor

Hon. Clarence Fields

Pineville City Hall

910 Main Street

Pineville, Louisiana

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ORDER

**CONSIDERING THE FORGOING PETITION AND PRAYERS, TOGETHER
WITH THE ABOVE CITED APPLICABLE PROVISIONS OF LAW:**

IT IS ORDERED, that the defendants appear and show cause, at _____ p.m., on the
_____ day of _____, 2007, in the Rapides Parish Courthouse, in
Alexandria, Louisiana, why the relief requested above, under the provisions of the Louisiana
Public Records Law, should not be granted.

THUS DONE, READ AND SIGNED, on this the _____ day of _____,
2007, in Chambers, in Alexandria, Louisiana.

JUDGE, 9TH JDC