

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA
DIVISION "D"

CITY OF BATON ROUGE, ET AL

VS.

SUIT NO. 610-359

STEPHEN C. MYERS

MONDAY, JANUARY 14, 2013

MOTION FOR SUMMARY JUDGMENT

THE HONORABLE JANICE CLARK, JUDGE PRESIDING

APPEARANCES:

FOR THE PLAINTIFF:

FRANK GREMILLION MAIMUNA MAGEE

FOR THE DEFENDANT:

E. WADE SHOWS GRANT GUILLOT

REPORTED BY: LORI ACHEE, CCR

MONDAY, JANUARY 14, 2013

THE COURT: ALL RIGHT. COUNSEL, MAKE YOUR APPEARANCES FOR THE RECORD, PLEASE.

MS. MAGEE: MAIMUNA MAGEE FOR THE CITY/PARISH, BATON ROUGE.

THE COURT: ALL RIGHT.

MR. GREMILLION: FRANK GREMILLION, YOUR HONOR, FOR THE CITY/PARISH.

THE COURT: ALL RIGHT, SIR.

MR. GUILLOT: WADE SHOWS AND GRANT GUILLOT ON BEHALF OF STEPHEN MYERS.

THE COURT: NOW, WHICH ONE ARE YOU?

MR. GUILLOT: GRANT GUILLOT.

THE COURT: OKAY. JUST CHECKING. ALL RIGHT. MOVER, LET'S PROCEED.

MR. GUILLOT: I'LL PROCEED, YOUR HONOR, SINCE WE FILED THE MOTION FOR SUMMARY JUDGMENT.

THE COURT: THAT WAS SOME BRIEF.

MR. GUILLOT: I WILL TRY --

THE COURT: THAT WAS SOME BRIEF YOU FILED, MR. GUILLOT.

MR. GUILLOT: I WILL TRY TO BE AS ABSOLUTELY BRIEF AS I CAN, YOUR HONOR. FEEL FREE TO CUT ME OFF.

THE COURT: WELL, THANK YOU.

MR. GUILLOT: AS A PRELIMINARY MATTER, I'D LIKE TO OFFER, FILE, AND INTRODUCE INTO EVIDENCE THE ENTIRE RECORD OF THIS MATTER --

THE COURT: LET IT BE FILED.

MR. GUILLOT: -- INCLUDING THE EXHIBITS FILED WITH THE PLEADINGS FILED BY MYERS. YOUR HONOR, WE'RE HERE TODAY ON A MOTION FOR SUMMARY JUDGMENT

FOR TWO PRIMARY ISSUES. ONE, IS WE ARE SEEKING A JUDGMENT DISMISSING THE REQUEST FOR PERMANENT INJUNCTION FILED BY THE CITY/PARISH, AND THE OTHER IS WE'RE SEEKING A DECLARATORY JUDGMENT FINDING THE ZONING REGULATION OF WHICH MR. MYERS IS ACCUSED OF VIOLATING TO BE UNCONSTITUTIONAL. I'D LIKE TO START BY JUST SETTING FORTH THE FACTS OF THE CASE.

MR. GREMILLION: MAY I INTERRUPT JUST A SECOND?

MR. GUILLOT: YES.

MR. GREMILLION: I THOUGHT WE WERE HERE ON A MOTION FOR SUMMARY JUDGMENT.

MR. GUILLOT: WE ARE HERE ON THE MOTION FOR SUMMARY JUDGMENT.

MR. GREMILLION: OKAY. BECAUSE I THOUGHT YOU MENTIONED DECLARATORY AND ALL THIS OTHER STUFF. THAT'S OKAY. YOU'RE NOT GOING INTO MERITS. YOU'RE TALKING ABOUT THE MOTION ITSELF.

MR. GUILLOT: WE'RE TALKING ABOUT THE MOTION ITSELF, THAT THERE'S NOT A GENUINE ISSUE --

MR. GREMILLION: I JUST WANT TO MAKE --

MR. GUILLOT: -- OF MATERIAL FACT IN DISPUTE.

MR. GREMILLION: GOOD. I JUST WANTED TO MAKE SURE.

MR. GUILLOT: OKAY. ON SEPTEMBER 13, 2011, THE CITY/PARISH SUBMITTED TO MR. MYERS A LETTER STATED THAT AN INSPECTION OF HIS PROPERTY HAVE REVEALED A VIOLATION OF A ZONING ORDINANCE, IN PARTICULAR, UNITED -- UNIFIED DEVELOPMENT CODE TITLE 7 CHAPTER 2, WHICH DEFINES FAMILY AS AN INDIVIDUAL OR TWO OR MORE PERSON WHO ARE RELATED

BY BLOOD, MARRIAGE OR LEGAL ADOPTION LIVING TOGETHER AND OCCUPYING A SINGLE HOUSEKEEPING UNIT WITH SINGLE CULINARY FACILITIES OR NOT MORE THAN TWO PERSONS OR NOT MORE THAN FOUR PERSONS PROVIDED THE OWNER LIVES ON THE PREMISES LIVING TOGETHER BY JOINT AGREEMENT AND OCCUPYING AN SINGLE HOUSEKEEPING UNIT WITH SINGLE CULINARY FACILITIES ON A NON PROFIT COST SHARING BASIS. THE LETTER FURTHER INFORMED MR. MYERS THAT NON RELATED PERSONS OCCUPYING A SINGLE FAMILY DWELLING LOCATED IN THE A-1, A-2, OR RURAL ZONING DISTRICT IS PROHIBITED, AND THAT WHENEVER THE BUILDING OFFICIAL HAS CAUSED VIOLATION OF SECTION 8.201 SINGLE FAMILY PERMISSIBLE USES AND CHAPTER 2 DEFINITIONS HAS OCCURRED THE OWNER AND/OR OCCUPANTS IS REQUIRED TO FURNISH AFFIDAVITS EXECUTED BEFORE A NOTARY PUBLIC UNDER PENALTY OF LAW ATTESTING TO THE NUMBER OF UNRELATED OCCUPANTS OF THE HOUSE. FAILURE TO DO SO SHALL CONSTITUTE PRIMA FACIE EVIDENCE THAT A VIOLATION OF A SINGLE FAMILY ZONING RESTRICTION HAS OCCURRED. AND, FINALLY, THE LETTER INDICATED THAT MR. MYERS WAS REQUIRED TO REMOVE THE ALLEGED VIOLATION BY SEPTEMBER 27TH OF 2011. THEREAFTER, ON DECEMBER 8, 2011, THE CITY/PARISH THROUGH ITS ATTORNEY, MAIMUNA MAGEE, SUBMITTED A LETTER TO MR. MYERS INDICATED THAT HIS PROPERTY WAS IN VIOLATION OF THE UNIFIED DEVELOPMENT CODE. THE VIOLATION CONSISTING OF HAVING MORE THAN TWO UNRELATED PERSONS RESIDING IN AN A-1 ZONE. THE LETTER ALSO INDICATED THAT MYERS HAD TEN DAYS TO CORRECT THE VIOLATION OR THE CITY/PARISH WILL TAKE LEGAL

ACTION TO FORCE COMPLIANCE. THEREAFTER, ON MARCH 20TH, THEY FILED THEIR PETITION FOR A PRELIMINARY INJUNCTION, PERMANENT INJUNCTION, ASSERTING, ONE THAT MYERS IS THE OWNER OCCUPANT OF A CERTAIN PIECE OF PROPERTY LOCATED AT 1977 CHERRYDALE AVENUE -- AVENUE, AND, TWO, THAT MYERS IS IN VIOLATION OF A CERTAIN ORDINANCE TO WIT, THE UNIFIED DEVELOPMENT CODE TITLE 7, CHAPTER 8, SECTION 8.201, APPENDIX H, PERMISSIBLE USES OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE. INSTEAD OF HAVING TO REPEAT THAT SEVEN TIMES, CAN I -- I'M JUST GOING TO REFER TO AS THE ZONING REGULATION.

THE COURT: ONE WOULD HOPE.

MR. GUILLOT: OKAY. THANK YOU. SAID VIOLATION CONSISTING OF HAVING MORE THAN TWO UNRELATED PERSONS RESIDING IN AN A-1 ZONE ON SAID PREMISES.

THE COURT: UNRELATED. UNRELATED.

MR. GUILLOT: YES, TWO UNRELATED PERSONS RESIDING IN THE A --

THE COURT: BY WHICH YOU MEAN UNRELATED BY --

MR. GUILLOT: BY BLOOD, MARRIAGE, OR ADOPTION, BUT I'M QUOTING THEIR PETITION. I'M QUOTING EXACTLY WHAT THEY WROTE IN THEIR PETITION, BUT THE REGULATIONS SAID BY BLOOD --

THE COURT: WELL, LET ME ASK YOU A QUESTION, COUNSEL, WHAT ABOUT THE BABY DADDY?

MR. GUILLOT: WHAT ABOUT THE BABY DADDY?

THE COURT: WHAT ABOUT HIM? ARE THEY UNRELATED?

MR. GUILLOT: WELL, IT DEPENDS. IF --

ACCORDING TO --

THE COURT: THAT'S THE PROBLEM WITH THE SUMMARY JUDGMENT.

MR. GUILLOT: WELL --

THE COURT: IT DEPENDS.

MR. GUILLOT: BUT THAT WOULD BE AN ISSUE OF LEGAL DISPUTE, WOULDN'T IT? WOULD THAT NECESSARILY BE A FACTUAL DISPUTE?

THE COURT: IT COULD BE DEPENDING ON THE DNA.

MR. GUILLOT: OKAY. WELL, FOR THE PURPOSES OF THE SUMMARY JUDGMENT, I'M JUST GOING TO GO THROUGH THE --

THE COURT: YOU HAVE TO DETERMINE WHAT THE RELATIONSHIP IS. THIS COURT HAS TO KNOW WHAT A RELATIONSHIP IS.

MR. GUILLOT: WELL, THE -- THE THING IS, JUDGE, EVEN IF THE COURT DETERMINES THAT THE PARTIES ARE -- ARE RELATED BY BLOOD, MARRIAGE, AND -- I'M SORRY, ARE NOT RELATED BY BLOOD, MARRIAGE, AND ADOPTION, AND, THUS, THEY ARE IN VIOLATION OF ORDINANCE, THAT STILL WOULD NOT DISPOSE OF OUR CONTENTION THAT THE ZONING ORDINANCE AT ISSUE IS UNCONSTITUTIONAL.

THE COURT: WELL, THE ORDINANCE MAY CONSTITUTIONAL ON ITS FACE BUT NOT AS APPLIED.

MR. GUILLOT: WE -- WE WOULD ARGUE THAT IT'S UNCONSTITUTIONAL BOTH ON ITS FACE AND AS APPLIED.

THE COURT: WELL, I SAW YOUR BRIEF. ONE OF YOUR POSITIONS MAY BE STRONGER THAN OTHERS.

MR. GUILLOT: WELL, FOR OUR SAKE, YOUR HONOR, I HOPE WE DETERMINE QUICKLY WHICH -- WHICH ARGUMENT THAT IS, BUT --

THE COURT: YOU JUST FILED A MOTION. WE SET IT DOWN FOR HEARING. HOW QUICK CAN WE BE?

MR. GUILLOT: WELL, I THINK -- I THINK AS APPLIED I'VE SET FORTH NUMEROUS EXAMPLES SHOWING THAT IT'S -- IT'S NOT POSSIBLE FOR THE ORDINANCE TO BE APPLIED AND FOR ONE TO NOT DETERMINE THAT IT'S VAGUE.

THE COURT: ALL RIGHT. LET ME HEAR FROM YOUR OPPONENT. MS. MAGEE.

MR. GREMILLION: WELL, IF I MAY, YOUR HONOR, I'M --

THE COURT: OH, YOU BROUGHT THE BIG GUNS TODAY, MS. MAGEE.

MR. GREMILLION: QUITE THE CONTRARY, YOUR HONOR. SHE WANTS ME TO GET A LITTLE EXPERIENCE.

THE COURT: NOW, FRANK, WHY DON'T YOU LET MS. MAGEE ARGUE. SHE'S BEEN WORKING THIS CASE FOR A WHOLE YEAR.

MR. GREMILLION: I HAVE BEEN BEGGING MS. MAGEE TO ARGUE THIS CASE. SHE SAYS SHE'S SCARED OF THE JUDGE.

THE COURT: OH, MY GOODNESS. BUT NOT THIS JUDGE, SHE'S NOT AFRAID OF THIS JUDGE. I KNOW WHAT JUDGE SHE'S AFRAID OF, BUT IT'S NOT THIS JUDGE.

MR. GREMILLION: I KNOW. I SAID THE SAME THING. I SAID --

THE COURT: I KNOW YOU DO.

MR. GREMILLION: -- KINDLY JUDGE CLARK, IMPOSSIBLE, BUT YOU KNOW HOW THESE YOUNG PEOPLE ARE, YOUR HONOR.

THE COURT: I KNOW. I'M ONE OF THEM.

MR. GREMILLION: EXACTLY.

THE COURT: ALL RIGHT. PROCEED.

MR. GREMILLION: IF I MAY, YOUR HONOR, JUST TO START WITH SOMETHING YOUR HONOR MENTIONED, THAT IS THE QUESTION OF AS APPLIED. I SUGGEST THAT THE QUESTION OF THIS ORDINANCE AS APPLIED IS NOT BEFORE THE COURT TODAY BECAUSE THAT CERTAINLY REQUIRES EVIDENCE, AND YOU CAN'T HAVE THAT EVIDENCE ON A -- ON A MOTION FOR SUMMARY JUDGMENT, AND THERE'S NO EVIDENCE IN THE RECORD WITH REGARD TO IT'S APPLICATION. SO THE QUESTION BEFORE THE COURT TODAY IS STRICTLY ONE MIGHT SAY ACADEMIC, PURELY LEGAL QUESTION. THE DEFENDANT HAS ALLEGED THAT THE ORDINANCE WHICH CREATES SINGLE FAMILY ZONING IS UNCONSTITUTIONAL. AND WHAT'S IMPORTANT ABOUT THAT IS THAT IF THIS COURT WILL HOLD THAT STAT -- THAT ORDINANCE UNCONSTITUTIONAL, THE EFFECT IS THAT IT'S IMPOSSIBLE TO CONSTITUTIONAL WRITE A SINGLE FAMILY ORDINANCE THAT WOULD PASS CONSTITUTIONAL -- BECAUSE BY ITS NATURE, A SINGLE FAMILY ZONE IS REDUCTIVE OR RESTRICTIVE. IT'S GOING TO TAKE AWAY CERTAIN RIGHTS THAT -- FOR EXAMPLE, THE DEFENDANT CLAIMS RIGHT OF ASSOCIATION WHICH IF YOU HAD A SINGLE FAMILY ZONE AND YOU'RE CLAIMING THAT THE CONSTITUTION GIVES YOU THE RIGHT TO ASSOCIATE WITH SOME UNRELATED PEOPLE IN YOUR HOME, THEN, OBVIOUSLY, YOU CAN'T WRITE AN ORDINANCE THAT WOULD DO BOTH. BUT WHAT'S IMPORTANT, AND OUR POSITION IS SIMPLY THIS, THE ORDINANCE IS IDENTICAL TO THE ORDINANCE WHICH WAS PRESENTED IN THE CASE OF BELLE TERRE VERSUS BORAAS.

THE COURT: I READ BELLE TERRE.

MR. GREMILLION: YOU READ THAT CASE, YOUR HONOR. THAT CASE DEALS --

THE COURT: I ALSO READ THAT NEW JERSEY CASE.

MR. GREMILLION: I'M SORRY. OH, YES. WELL, I'M SUGGESTING THAT THE BELLE TERRE IS THE CASE IN POINT, THOUGH.

THE COURT: NO DOUBT.

MR. GREMILLION: IT ANSWERS EVERY CONSTITUTIONAL ARGUMENT THAT HAS BEEN RAISED BY THE DEFENDANT IN THIS CASE. WITH REGARD TO DUE PROCESS, FOR EXAMPLE, THE -- THE TEST FOR DUE PROCESS FOR FEDERAL AND STATE IS WHETHER IT IS RATIONALLY -- THE ORDINANCE IS RATIONALLY RELATED TO LEGITIMATE GOVERNMENTAL INTEREST. BELLE TERRE HELD THAT IT WAS, AND IT'S THE SAME ORDINANCE. I'M UNABLE AND I THINK -- I DON'T THINK PLAINTIFF HAS -- RATHER DEFENDANT HAS PRESENTED ANY ARGUMENT THAT --

THE COURT: WHAT YEAR WAS BELLE TERRE?

MR. GREMILLION: PARDON?

THE COURT: WHAT YEAR WAS THAT?

MR. GREMILLION: I FORGOT, YOUR HONOR.

THE COURT: WELL, MS. MAGEE KNOWS.

MR. GREMILLION: BUT IT'S -- IT'S I SUGGEST STILL GOOD LAW. AS -- AS -- PARDON?

MS. MAGEE: 1974.

MR. GREMILLION: '74. IT'S A SUPREME COURT CASE.

THE COURT: '74.

MR. GREMILLION: BUT THERE'S NO -- I'M SORRY.

THE COURT: '74.

MR. GREMILLION: YES, MA'AM, '74.

THE COURT: IT'S BEEN A LONG TIME.

MR. GREMILLION: SINCE THIS -- SINCE THAT TIME, THERE HAVE NOT BEEN ANY CASES THAT I'M AWARE OF HOLDING THAT THE SINGLE FAMILY ZONING IS UNCONSTITUTIONAL. NOW, IT MAY BE AS --

THE COURT: BUT -- HAS NOT THE DEFINITION FOR FAMILIES CHANGED?

MR. GREMILLION: NO, I DON'T THINK SO. A FAMILY IS STILL A FAMILY.

THE COURT: WELL, THEY'VE CHANGED ALL ACROSS AMERICA. IN FACT, IN CERTAIN DISTRICTS, MORE CHILDREN WERE BORN OUTSIDE OF WEDLOCK THAN INSIDE. WASHINGTON, D.C. BEING ONE OF THEM.

MR. GREMILLION: THEY'RE STILL RELATED BY BLOOD, THOUGH, YOUR HONOR.

THE COURT: NEW JERSEY BEING ANOTHER ONE. I DON'T KNOW IF THEY ARE OR NOT.

MR. GREMILLION: WELL, THAT'S WHERE YOU WENT --

THE COURT: IT MAY WELL BE.

MR. GREMILLION: THAT'S WHERE YOUR HONOR MENTIONED EARLIER AS APPLIED. WE DO NOT KNOW, FOR EXAMPLE, IN THIS PARTICULAR CASE, I'M WILLING TO BET THERE ARE NO CHILDREN INVOLVED AT ALL ANYWAY. SO IF YOU'RE GOING INTO AS APPLIED, IT DOESN'T APPLY. BUT TO GET BACK TO THAT POINT, YOUR HONOR IS QUITE CORRECT. IF IT'S GOING TO GO OFF ON AS APPLIED, THE COURT HAS GOT TO HAVE THE EVIDENCE ON HOW IT'S BEING APPLIED IN THIS PARTICULAR CASE, AND THERE IS NONE. SO I'M SUGGESTING THAT THE ONLY THING BEFORE THE COURT TODAY IS A PURELY

LEGAL QUESTION. DOES THE ORDINANCE AS WRITTEN VIOLATE DUE PROCESS, EQUAL PROTECTION, RIGHT OF ASSOCIATION, RIGHT OF PRIVACY, AND I SUGGEST THAT BELLE TERRE FOR ONE HAS STATED THAT IT DOES NOT. IT DOES NOT VIOLATE THE FAIR HOUSING ACT AS SUGGESTED BY DEFENDANT BECAUSE THE FAIR HOUSING ACT PREVENTS RENTING OR SELLING PROPERTY TO FAMILIES WITH CHILDREN. ONCE, AGAIN, NO EVIDENCE IN THIS CASE CHILDREN ARE INVOLVED. SO I SUGGEST TO CUT IT SHORT, YOUR HONOR, THAT THIS CASE IS NOT AT ALL RIGHT FOR A MOTION FOR SUMMARY JUDGMENT, AND I REQUEST AND I SUGGEST THAT THE COURT DENY THE MOTION. THANK YOU, YOUR HONOR.

THE COURT: ALL RIGHT.

MR. SHOWS: MAY I RESPOND?

THE COURT: YOU MAY RESPOND.

MR. SHOWS: JUDGE, WE'RE NOT HERE TRYING TO SET ASIDE SINGLE FAMILY ZONING. THE SKY IS NOT GOING TO FALL. WHAT WE'RE TALKING ABOUT IS THE DEFINITION OF FAMILY. THE FLUID DEFINITION OF FAMILY THAT HAPPEN ONE TIME IN 1994 BELLE TERRE IS DIFFERENT THAN IT IS NOW -- '74. IT'S DIFFERENT THAN IT IS NOW. WE HAVE MOTHERS WITH CHILDREN THAT LIVE WITH SOMEONE WHO'S NOT THE FATHER OF THAT CHILD, WHO BRINGS IN HIS CHILD THAT MAY OR NOT BE HIS BIOLOGICAL CHILD. WHAT WE'RE --

THE COURT: OR MAY BRING IN HIS MOTHER.

MR. SHOWS: OR HIS MOTHER. WE'RE NOT TALKING ABOUT JUST ROWDY COLLEGE KIDS. WE'RE TALKING ABOUT WHAT WE'VE ATTACKED AS BEING VAGUE, WHAT WE'VE ATTACKED AS BEING -- DENYING CERTAIN RIGHTS OF PRIVACY, RIGHTS OF ASSOCIATION IS THE

DEFINITION OF FAMILY. WE'RE NOT ATTACKING SINGLE FAMILY ZONING AS AN APPROPRIATE POLICE POWER. WE'RE ATTACKING THE DEFINITION OF FAMILY AS BEING UNCONSTITUTIONAL, UNCONSTITUTIONALLY VAGUE, UNCONSTITUTIONAL IN THAT IT DENIES PEOPLE'S RIGHT OF ASSOCIATION, THEIR RIGHTS OF PRIVACY. THOSE KIND OF THINGS ARE WHAT WE'RE HERE ABOUT. IT DOES NOT MATTER WHETHER DNA SHOWS THIS, THAT, OR THE OTHER. THE DEFINITION ON ITS FACE, IT IS UNCONSTITUTIONAL. THERE IS NO FACTUAL DISPUTE NECESSARY OR NO FACTS THAT NEEDS TO GO IN OTHER THAN TO LOOK AT THE STATUTE.

THE COURT: WELL, IT APPEARS -- IT APPEARS THAT THERE MAY BE -- IT MAY BE UNCONSTITUTIONALLY VAGUE, BUT THIS COURT IS INCLINED TO RULE THAT AT THIS JUNCTURE, PREFERRING TO HEAR THE EVIDENCE AS WELL ON THE AS APPLIED STANDARD. THE COURT IS INTERESTED IN -- IN DETERMINING, READING THE ORDINANCE, THE STATE CONSTITUTION, AND THE FEDERAL CONSTITUTION IN PARI MATERIA WITH RESPECT TO RELATIONSHIP, FAMILY. THE COURT IS WELL AWARE THAT THE POLICE POWER OF THE STATE IS VERY NECESSARY, BUT IT CANNOT BE APPLIED IN A SUCH WAY AS TO DENY EQUAL PROTECTION OF THE CITIZENS, WHETHER THEY ARE MINORS INSIDE OR OUTSIDE OF MARRIAGE, OR WHETHER THEY ARE CONSENTING ADULTS WHO LIVE IN A RELATIONSHIP NOT CALLED A MARRIAGE OR THOSE WHO LIVE IN A RELATIONSHIP CALLED BIG LOVE, WHICH THEY CAN'T SAY IS A MARRIAGE OR ELSE THEY'LL COME IN CONFLICT WITH THE -- WITH THE CRIMINAL STATUTES. AND SO THIS IS AN IMPORTANT CASE, AND THE COURT DOES NOT WANT TO GIVE IT SHORT

SHRIFT, AND THE COURT APPRECIATES THE GOOD BRIEFS AND HAS READ THEM AND READ THE CONSTITUTION. SO THE COURT WOULD PREFER TO MAKE ONE RULING.

MR. SHOWS: YOUR HONOR --

THE COURT: THEREFORE, THE COURT IS GOING TO SET THIS MATTER DOWN WITHIN THIRTY DAYS HEREOF SO THAT THE COURT CAN RECEIVE --

MR. GUILLOT: WE'RE SET, YOUR HONOR.

MR. SHOWS: WE HAVE A TRIAL DATE.

MR. GUILLOT: YEAH.

THE COURT: ALL RIGHT. BUT I WANT TO MAKE CERTAIN THAT THIS -- IF SOMETHING HAPPENS AND A CONTINUANCE IS GRANTED FOR A TRIAL DATE BECAUSE YOU MIGHT KNOW, MR. GUILLOT, BUT LAWYERS ASK FOR CONTINUANCES ALL THE TIME, IF SOMETHING HAPPENS, THE COURT WANTS TO HAVE THIS BACK ON THE RULE DOCKET FOR -- TO DETERMINE THOSE ITEMS THAT SEEM TO BE OF IMPORTANCE NOT JUST TO THE PARTIES IN THIS CASE BUT TO CITIZENS ACROSS THIS CITY AND THIS NATION.

MR. SHOWS: YOUR HONOR, IS THERE ANY PARTICULAR AREA THAT YOU WOULD LIKE US TO BRIEF --

THE COURT: RELATIONSHIPS.

MR. SHOWS: -- PRE-TRIAL --

THE COURT: RELATIONSHIPS AND FAMILIES, WHAT DOES THAT MEAN IN 2013. WHAT IS THE EFFECT OF MULTIPLE ADULTS NOT IN WEDLOCK BUT IN OBVIOUS ROMANTIC RELATIONSHIPS WHICH RESULT IN CHILDREN OR CHILDREN THAT MAY STILL BE IN THE HOME OR NOT IN THE HOME. AND THEN ANOTHER THING, THERE'S SOMETHING ABOUT COLLEGE STUDENTS THAT PEOPLE IN THIS STATE OUGHT TO UNDERSTAND, AND OUR GOVERNMENT

OUGHT TO UNDERSTAND, COLLEGE STUDENTS MEAN THAT THERE ARE SOME AMONG US WHO ARE MATRICULATING THE AREAS OF HIGHER LEARNING; THEY MIGHT LEARN SOMETHING. THEY MIGHT GRADUATE FROM A UNIVERSITY AND THEREBY RAISE THE EDUCATIONAL LEVEL OF ALL THE CITIZENS IN THE STATE. SOMETHING HAS TO HAPPEN WITH COLLEGE STUDENTS AS WELL. WE'RE PAYING THEM TOPS, AND THEY'RE GETTING GRANTS AND AID. AND THOSE AREAS AROUND UNIVERSITIES IN MOST CITIES HAVE CERTAIN AREAS THAT ALLOW COLLEGE STUDENTS TO RENT APARTMENTS TOGETHER, SHARE THE LEASE, ONE OF WHICH IS THE UNIVERSITY OF FLORIDA. THEY EVEN HAVE AN ORDINANCE, A RENTER'S ORDINANCE, MR. SHOWS, YOU KNOW. SO THIS IS A -- THIS IS A SITUATION THAT IS VERY IMPORTANT. SO LET US SET IT DOWN IN FULL, AND LET THE COURT MAKE ONE RULING. ALL RIGHT.

MR. GREMILLION: MAY I ASK A QUESTION?

THE COURT: YES.

MR. GREMILLION: THE COURT IS NOT RULING ON THE MOTION TODAY?

THE COURT: RIGHT.

MR. GREMILLION: DID YOU SET IT FOR --

THE COURT: WITHIN THIRTY DAYS.

MR. GREMILLION: TO DO WHAT IT EXACTLY?

THE COURT: THE COURT WANTS TO LOOK AT THE EVIDENCE WITH RESPECT TO RELATIONSHIPS, WHAT DOES THAT MEAN --

MR. GREMILLION: IN OTHER WORDS, THE COURT --

THE COURT: -- IN FACT AND IN LAW, AND FAMILY, WHAT DOES THAT MEAN IN FACT AND IN LAW.

MR. GREMILLION: BUT YOU WANT US TO PRESENT

EVIDENCE AT --

THE COURT: I WOULD HOPE SO.

MR. GREMILLION: SO WE'LL HAVE --

THE COURT: AND YOU MIGHT WANT TO TAKE THE DEPOSITIONS FIRST, OR YOU MIGHT WANT TO DO AFFIDAVITS. WHATEVER COUNSEL CAN GET TOGETHER AND AGREE ON, IT'S FINE WITH THE COURT. I WANT TO KNOW EXACTLY WHAT -- BECAUSE THE PLEADINGS DO NOT SUGGEST TO THE COURT EXACTLY WHAT TRANSPIRED AS YOU KNOW.

MR. GREMILLION: ALL RIGHT. SO -- BUT THE COURT WANTS TO DO THIS ON THE BASIS ON THE MOTION RATHER THAN A TRIAL?

THE COURT: IN THE EVENT THAT WE HAVE A CONTINUANCE LIKE WE TYPICALLY DO --

MR. GREMILLION: OH, WE -- OKAY, BUT --

MR. SHOWS: WE'RE NOT GOING TO ASK FOR A CONTINUANCE.

MR. GREMILLION: DO WE HAVE A TRIAL?

THE COURT: I WANT TO MAKE SURE THAT --

MR. SHOWS: WE HAVE A TRIAL DATE JANUARY THE 29TH.

THE COURT: I WANT TO MAKE SURE IT DOESN'T FALL OFF THE DOCKET IN CASE SOMEBODY NEED TO GET A CONTINUANCE BECAUSE A BIG FAT PAYCHECK IS COMING IN FROM BP.

MR. GREMILLION: WELL, I DON'T THINK WE PLAN TO CONTINUE AT ALL.

THE COURT: WELL, THERE ARE LAWYERS WHO ARE WORKING ON THOSE CASES.

MR. SHOWS: I'M NOT WORKING ON IT.

THE COURT: ALL RIGHT.

MR. GREMILLION: OKAY, JUDGE.

THE COURT: THANK YOU VERY MUCH.

MR. GREMILLION: TO MAKE SURE I UNDERSTAND
THE COURT, IF WE DON'T TRY THE CASE ON -- ON THAT
DAY, THEN WE'LL DO ALL THIS OTHER STUFF?

THE COURT: YES.

MR. GREMILLION: ALL RIGHT. THANK YOU.

(END OF TRANSCRIPT)

C E R T I F I C A T E

I, LORI ACHEE, CCR, OFFICIAL COURT REPORTER IN AND FOR THE STATE OF LOUISIANA, EMPLOYED AS AN OFFICIAL OR DEPUTY OFFICIAL COURT REPORTER BY THE 19TH JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA, AS THE OFFICER BEFORE WHOM THIS TESTIMONY WAS TAKEN, DO HEREBY CERTIFY THAT THIS TESTIMONY WAS REPORTED BY ME IN THE STENOMASK METHOD, WAS PREPARED AND TRANSCRIBED BY ME OR UNDER MY DIRECTION AND SUPERVISION, AND IS A TRUE AND CORRECT TRANSCRIPT TO THE BEST OF MY ABILITY AND UNDERSTANDING; THAT THE TRANSCRIPT HAS BEEN PREPARED IN COMPLIANCE WITH TRANSCRIPT FORMAT GUIDELINES REQUIRED BY STATUTE OR BY RULES OF THE BOARD OR BY THE SUPREME COURT OF LOUISIANA, AND THAT I AM NOT RELATED TO COUNSEL OR TO THE PARTIES HEREIN NOR AM I OTHERWISE INTERESTED IN THE OUTCOME OF THIS MATTER.

WITNESS MY HAND THIS 16TH DAY OF JANUARY, 2013.

LORI ACHEE, CCR, 24007
19TH JUDICIAL DISTRICT COURT
STATE OF LOUISIANA