

SUPREME COURT OF LOUISIANA

---

NO. 2013-CD-2036

---

CITY OF BATON ROUGE/PARISH OF EAST BATON ROUGE  
Plaintiff/Defendant-in-Reconvention/Applicant

VERSUS

STEPHEN C. MYERS  
Defendant/Plaintiff-in-Reconvention/Respondent

---

ON APPLICATION OF PLAINTIFF/DEFENDANT-IN-RECONVENTION, THE CITY OF BATON  
ROUGE/PARISH OF EAST BATON ROUGE FOR A SUPERVISORY WRIT FROM THE AUGUST 13, 2013,  
JUDGMENT OF THE NINETEENTH JUDICIAL DISTRICT COURT, PARISH OF BATON ROUGE,  
No. 610359, SECTION "D", THE HONORABLE JANICE CLARK, PRESIDING

---

**SUPPLEMENTAL APPENDIX**

---

Exhibit 1

Selected Pages of June 17, 2013, Hearing on the CITY-PARISH's  
Motion for a Suspensive Appeal

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

CITY OF BATON ROUGE, ET AL.  
VS.  
STEPHEN C. MYERS

SUIT NO. 610-359

MONDAY, JUNE 17, 2013

HEARING ON MOTION FOR SUSPENSIVE APPEAL  
THE HONORABLE JANICE CLARK, JUDGE PRESIDING

APPEARANCES:

FOR THE PLAINTIFF:

MS. MAIMUNA MAGEE  
MR. FRANK GREMILLION

FOR THE DEFENDANT:

MR. E. WADE SHOWS  
MR. GRANT GUILLOT

REPORTED BY: LORI ACHEE, CCR

AND NOT GRANT THE SUSPENSIVE APPEAL, AND LET THE MATTER GO FORWARD UNDER A DEVOLUTIVE APPEAL.

**THE COURT:** BRIEF REBUTTAL.

**MR. GREMILLION:** ALL I CAN SUGGEST, YOUR HONOR, IS THAT IT'S QUITE POSSIBLE THAT UNDER HEBREW LAW IT WOULD BE UNCONSTITUTIONAL.

**THE COURT:** ALL RIGHT. WELL, LET ME ASK YOU A QUESTION, MR. GREMILLION. DID NOT THIS CITY WITH A GREAT DEAL OF FANFARE JUST THIS WEEKEND RECOGNIZE CONSTITUTIONAL RIGHTS OF ALL PEOPLE IRRESPECTIVE OF RELIGION AND GENDER, AND DIDN'T WE JUST HAVE A BIG FESTIVAL REGARDING THE LATTER, THE GENDER, AND DIDN'T OUR MAYOR JUST ISSUE A PROCLAMATION WITH RESPECT TO THAT ISSUE, AND IF ALL OF THIS MEANS NOTHING IF FOUR PEOPLE WHO ARE EITHER TRANSGENDER OR EITHER LESBIAN OR GAY COULD NOT LIVE TOGETHER IN POWER THE STATES?

**MR. SHOWS:** THAT MAY BE THE CASE, YOUR HONOR, HOWEVER, THAT'S A LEGISLATIVE DECISION, AND I SUGGESTS THAT IT WOULD BE APPROPRIATE TO ALLOW THE LEGISLATIVE BODY TO MAKE THAT DECISION WHETHER OR NOT OUR ORDINANCE WHERE WE HAVE REACHED THE POINT WHERE THAT SHOULD BE IN AN ORDINANCE. I PERSONALLY --

**THE COURT:** WELL, LEGISLATORS EVERY DAY MAKE DECISIONS, MAKE LAWS, AND LIKE IN THIS MATTER, I PRESUMED IT WAS CONSTITUTIONAL UNTIL THE EVIDENCE SUGGESTED OTHERWISE, AND SO IT IS INCUMBENT UPON COURTS, IS IT NOT, TO INTERPRET THE LAW AND MAKE A RULING AND A FINDING AS TO WHETHER OR NOT THE ACT OF LEGISLATIVE BODY ARE INDEED CONSTITUTION OR DO THEY OFFEND SOME PROVISION. NOW, THE RIGHT OF

ASSOCIATION, FIRST AMENDMENT RIGHTS, EQUAL PROTECTION RIGHTS, THOSE MATTERS ARE NOT JUST ABSTRACT PHILOSOPHIES. THEY HAPPEN IN EVERYDAY LIFE. YOU HAVE SITUATIONS WHERE YOU CAN HAVE ONE MOTHER WITH EIGHT CHILDREN. SHE CAN LIVE IN AN A-1 HOUSE IN POWER OF THE STATES, BUT FOUR ADULTS CANNOT LIVE IN POWER OF THE STATES IN THE SAME HOUSE WITHOUT OFFENDING THE ORDINANCE. NOW, IF YOU WILL RECALL IN THIS PARTICULAR CASE, THE EVIDENCE, TWO OF THOSE INDIVIDUALS WHO LIVED TOGETHER HAVE BEEN BEST FRIENDS SINCE THEY WERE SIX YEARS OLD. THEY MOVED TO BATON ROUGE TOGETHER. THEY'VE BEEN TOGETHER. THEY LIVE TOGETHER. THEY'RE ECONOMICALLY DEPENDENT ALL THROUGH COLLEGE FROM WHICH THEY GRADUATED, AND NOW ONE IS A GRADUATE STUDENT; THE OTHER ONE IS A CONTACTOR. NOW, HOW THAT OFFENDS THE DENSITY, THERE'S TWO OF THEM AND TWO OTHERS, THE DENSITY, IS HARD TO DEFEND -- OFFEND DENSITY WE'RE ONLY TALKING ABOUT FOUR PEOPLE, BUT IN ANY EVENT, AS YOU WILL RECALL, THE COURT TOOK SUFFICIENT TIME. WE HAD VIGOROUS BRIEFING. WE HAD TWO OR THREE HEARINGS. ALL OF THAT TIME, THE LEGISLATIVE BRANCH NEVER INDICATED IN ANY WAY THAT THEY WERE INTENDED TO EVEN TAKE UP SUCH AN ORDINANCE, TAKE UP SUCH A MANNER THAT MAY NEED -- OBVIOUSLY NEED SOME CORRECTION, BUT IN ANY EVENT, THE COURT WILL TAKE THIS MATTER UNDER ADVISEMENT. THANK YOU VERY MUCH.

MR. SHOWS: THANK YOU, YOUR HONOR.

MR. GREMILLION: THANK YOU, YOUR HONOR.

(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 1ST DAY OF JULY, 2013.

