

# Lee C. Durio Attorney at Law

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March 3, 2022

**VIA HAND DELIVERY**

Honorable Becky Patin  
St. Martin Parish Clerk of Court  
P.O. Box 308  
St. Martinville, Louisiana 70582

**RE: St. Martin Parish Government vs. Billy Broussard, Et Al.  
16<sup>th</sup> Judicial District Court, St. Martin Parish, Docket No.: 90830 B**

Dear Sir or Madam,

Enclosed please find an original of a *Motion and Order to Reset Rule for Preliminary Injunction and Petition to Reissue Temporary Restraining Order, Request for Notices* to be filed into the above referenced matter after first presenting to the appropriate Judges for review and approval. Thereafter, please return a stamped copy to my office for my records.

The enclosed is submitted on behalf of the St. Martin Parish Government, a political subdivision of the State of Louisiana. Therefore, no advance court cost are required pursuant to the provisions of Louisiana Revised Statute 13:4521.

Thank you for your attention in this matter. Should you have any questions or concerns, please do not hesitate to contact this office.

**DURIO LAW OFFICE, LLC**



Lee C. Durio  
L.A. Bar Roll: 37453

LCD/te

Enclosure

Cc:// Billy Broussard via Email;

Billy Broussard Farm and Land Development, through its agent Billy Broussard, via email;

Broussard Companies, LLC, through its agent Billy Broussard, via email;

Parish President Chester Cedars;

Morgan Allemond, Parish Government;

Calder Hebert, Parish Government; and

Ronald Solaire, Parish Government.

**ST. MARTIN PARISH GOVERNMENT** :16<sup>TH</sup> JUDICIAL DISTRICT COURT  
**VERSUS** : DOCKET NO. 90830 B  
**BILLY BROUSSARD, ET AL.** : ST. MARTIN PARISH, LOUISIANA

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**MOTION AND ORDER TO RESET RULE FOR PRELIMINARY INJUNCTION AND  
PETITION TO REISSUE TEMPORARY RESTRAINING ORDER**

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**NOW INTO COURT**, through undersigned counsel, comes **ST. MARTIN PARISH GOVERNMENT**, a political subdivision of the State of Louisiana, domiciled in the Parish of St. Martin, respectfully represents:

1.

Petitioner, **ST. MARTIN PARISH GOVERNMENT**, filed a Petition for a Temporary Restraining Order, Preliminary, and Permanent Injunction on August 19, 2021.

2.

The Temporary Restraining Order was signed by the Honorable Judge Lewis Pitman Jr., on August 19, 2021, prohibiting the Defendant/s from operating a tree service business from the property located at 1675<sup>1</sup> Duchamp Road Broussard, Louisiana 70518, using the property located at 1675 Duchamp Road Broussard, Louisiana 70518 as a dumpsite for discarded tree logs, branches, and vegetation, from operating a commercial mushroom farm at 1675 Duchamp Road Broussard, Louisiana 70582, and from violating Parish Ordinance located in Section 26-10 of the St. Martin Parish Code of Ordinances, or any other St. Martin Parish Code of Ordinances.

3.

A hearing on this matter was set for September 14, 2021, before the Honorable Judge Suzanne deMahy for the preliminary injunction.

4.

This matter was later continued by the agreement of counsel for **BILLY BROUSSARD** and his businesses and undersigned counsel in the effort of compromise.

5.

On or about October 4, 2021, Defendant, **BILLY BROUSSARD**, then formally requested a zoning change before the St. Martin Parish Zoning Commission.

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<sup>1</sup>The address was incorrectly stated at "1775" Duchamp Road in the original Petition filed on August 19, 2021.

6.

The request for a zoning change was heard before the St. Martin Parish Zoning Commission on January 6, 2022.

7.

The St. Martin Parish Zoning Commission denied Defendant's request for zoning change.

8.

On March 2, 2022, the St. Martin Parish Council adopted the recommendation of the St. Martin Parish Zoning Commission thereby formally rejecting the request of the Defendant.

9.

Petitioner, **ST. MARTIN PARISH GOVERNMENT** requests and is entitled to have the Rule for Injunctive Relief reset by this Honorable Court.

10.

Petitioner, **ST. MARTIN PARISH GOVERNMENT** further resurges its claims as plead in the August 19, 2021, request for a temporary restraining order.

11.

Defendant, **BILLY BROUSSARD**, is the owner of a tract of land bearing municipal address of 1675 Duchamp Road Broussard, Louisiana 70518, located in St. Martin Parish, Louisiana.

12.

The tract of land located at 1675 Duchamp Road Broussard, Louisiana 70518 is currently and has been being used as a commercial dumpsite by the Defendant where the Defendant hauls loads of discarded trees trucks, limbs, and other vegetation for storage.

13.

The Defendant also allows other businesses to dump tree vegetation on the property for profit.

14.

The property is also allegedly being used a commercial mushroom farm owned by the Defendants.

15.

The property in question is currently zoned as (R-2) Mixed Residential by the St. Martin Parish Code of Ordinances.

16.

According to St. Martin Parish Code of Ordinances Article XVII, Appendix A Permitted uses for areas zoned as (R-2) Mixed Residential are:

*“Single-family dwellings (1 per lot); parish parks and playgrounds and facilities in conjunction therewith; libraries; museums; churches; public schools; private schools (except business and trade schools); private recreational uses; private gardens; private nurseries; private garages; home occupations; accessory uses; fire and police stations; single mobile homes (1 per lot); duplexes (1 per lot); and mobile home subdivisions (lots for sale).”*

17.

The hauling, dumping, and burning of discarded tree logs, trunks, limbs, and vegetation do not fall within any permitted uses for property zoned as (R-2) Mixed Residential pursuant to the St. Martin Parish Code of Ordinances. This activity is considered commercial in nature.

18.

The operations of a commercial mushroom farm do not fall within any permitted uses for property zoned as (R-2) Mixed Residential pursuant to the St. Martin Parish Code of Ordinances. This activity is also considered commercial in nature.

19.

On or about August 3, 2021, at the regular meeting of the St. Martin Parish Council Summary No. 1329-OR was introduced by Councilwoman Carla JeanBatiste which was an ordinance to amend Article I of Chapter 26 of the Code of Ordinances for St. Martin Parish, Louisiana by the enactment of Section 26-10, all relative to the prohibition of dumping and/or burning of specified substances and providing for penalties for a violation thereof.

20.

The proposed ordinance was voted on by the duly elected members of the St. Martin Parish Council and passed on August 3, 2021. It was signed into law on August 4, 2021 by Parish President Chester Cedars.

21.

Ordinance No. 21-08-1329-OR located in Section 26-10 of the St. Martin Parish Code of Ordinances section (B) provides:

*“Except as otherwise provided in Paragraph C, no person, partnership, firm, association, corporation, limited liability company, or entity shall, within the incorporated areas of St. Marin Parish, Louisiana, transport or have transported for the purpose of storage, dumping, or other deposits onto any property in the unincorporated of St. Martin Parish, any building or construction material, brush, limbs, trees, leaves, tires, trash, or any other refuse or abandoned items or materials whatsoever. Moreover, no such items or materials shall thereafter be burned or cause to be burned by either person, firm, or entity transporting same of by the persons, firm, or entity have custody or control of the premise to which the said items or materials have been transported. Further, the Parish of St. Martin hereby deems such activities to be a nuisance and unlawful.”*

22.

St. Martin Parish Government sent a Cease-and-Desist Letter to Defendant on or about July 21, 2021, through undersigned counsel. However, the Defendant’s in this matter have failed to comply and continually violated the zoning and nuisance ordinances of St. Martin Parish after receipt of the letter.

23.

The fact that Defendant/s have been dumping and discarding tree vegetation on the Duchamp property during this period of this litigation has been confirmed by Defendant himself at Planning and Zoning Commission meeting on January 6, 2022.

24.

**ST. MARTIN PARISH GOVERNMENT** is entitled to and seeks a temporary restraining order and in due course and preliminary and permanent injunction prohibiting the Defendants from operating a tree service business from the property located at 1675 Duchamp Road Broussard, Louisiana 70518, using the property located at 1675 Duchamp Road Broussard, Louisiana 70518 as a dumpsite for discarded tree logs, branches, and vegetation, and from operating a commercial mushroom farm at 1675 Duchamp Road Broussard, Louisiana 70582.

25.

The requirement of proof of irreparable injury, lose, or damage, under Louisiana Civil Code of Procedure Article 3601 is dispended with in this matter because the Petitioner seeks injunctive relief because the acts sought to be enjoined are unlawful. *Desselle vs. Acadian Ambulance Service Inc.*, 83 So. 3d 1253 (La. App. 3d Cir. 2012).

26.

The Defendant/s are opening operating a business commercial in nature in an area zoned a Stickley residential pursuant to the St. Martin Parish Code of Ordinances. Any commercial activity is Stickley prohibited.

27.

Further, pursuant to Section 26-10 of the St. Martin Parish Code of Ordinances section (B) Defendants action as unlawful.

28.

Consequently, due to repeated violations of the St. Martin Parish Code of Ordinances, and zoning regulations, the Defendant, should be enjoined from violating the above referenced Ordinances and zoning regulations and be ordered to comply with the same.

29.

Petitioner avers Defendant also have no occupational license to operate a business in this area.

30.

Bond is not required for the issuance of this temporary restraining order because the Petitioner is a political subdivision of the State of Louisiana pursuant to La. R.S. 13:4581.

31.

**WHEREFORE**, Petitioner prays that:

- 1). The Temporary Restraining Order Reissue herein prohibiting the Defendants from operating a tree service business from the property located at 1675 Duchamp Road Broussard, Louisiana 70518, using the property located at 1675 Duchamp Road Broussard, Louisiana 70518 as a dumpsite for discarded tree logs, branches, and vegetation, and from operating a commercial mushroom farm at 1675 Duchamp Road Broussard, Louisiana 70582, violating Parish Ordinance located in Section 26-10 of the St. Martin Parish Code of Ordinances, or any other St. Martin Parish Code of Ordinance;
- 2). Defendant, **BILLY BROUSSARD, BILLY BROUSSARD FARM AND LAND DEVELOPMENT, LLC**, and **BROUSSARD COMPANIES, LLC.**, be ordered to show cause on a date and time to be fixed by this Honorable Court why a preliminary injunction should not issue r restraining, enjoining, prohibiting, the Defendants from operating his tree service business from the property located at 1675 Duchamp Road Broussard, Louisiana 70518, using the property located at 1675 Duchamp Road Broussard, Louisiana 70518 as a dumpsite for discarded tree logs, branches, and vegetation, and from operating a commercial mushroom farm at 1675 Duchamp Road

Broussard, Louisiana 70582, violating Parish Ordinance located in Section 26-10 of the St. Martin Parish Code of Ordinances, or any other St. Martin Parish Code of Ordinance;

2). After due proceedings, a permanent injunction in the form of substance of the preliminary injunction mentioned herein, should issue;

3). All cost of this proceedings be taxed to Defendants; and

4). Petitioner, **ST. MARTIN PARISH GOVERNMENT**, be granted all other general and equitable relief.

**Respectfully Submitted:**  
**DURIO LAW OFFICE, LLC**



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Attorney for **ST. MARTIN PARISH GOVERNMENT**

**PLEASE SERVE:**

**BILLY BROUSSARD**  
1307 South Main  
Breux Bridge, Louisiana 70517

And

**BILLY BROUSSARD FARM AND LAND DEVELOPMENT, LLC.**  
Through its Registered Agent  
**BILLY BROUSSARD**  
1307 South Main  
Breux Bridge, Louisiana 70517

And

**BROUSSARD COMPANIES, LLC**  
Through its Registered Agent  
**BILLY BROUSSARD**  
1307 South Main  
Breux Bridge, Louisiana 70517



ST. MARTIN PARISH GOVERNMENT

:16<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

: DOCKET NO. 90830 B

BILLY BROUSSARD ET AL.

: ST. MARTIN PARISH, LOUISIANA

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VERIFICATION

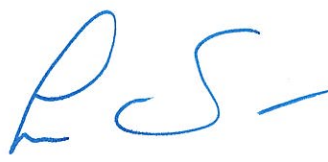
STATE OF LOUISIANA

PARISH OF ST. MARTIN

BEFORE ME, the undersigned Notary Public, duly qualified in and for the Parish of St. Martin, State of Louisiana, came and appeared **CHESTER CEDARS**, to me personally known, who upon being duly sworn, did depose and state that he is the Parish President of St. Martin Parish, that he has read the foregoing *Petition for Temporary Restraining Order, Preliminary, and permanent Injunctive Relief* and that all of the allegations contained therein are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
CHESTER CEDARS

Sworn to and subscribed before me this 3<sup>rd</sup> day of March, 2022.

  
\_\_\_\_\_  
NOTARY PUBLIC

**ST. MARTIN PARISH GOVERNMENT**

**:16<sup>TH</sup> JUDICIAL DISTRICT COURT**

**VERSUS**

**: DOCKET NO. 90830 B**

**BILLY BROUSSARD ET AL.**

**: ST. MARTIN PARISH, LOUISIANA**

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**ORDER**

**CONSIDERING THE ALLEGATIONS** of the above and foregoing verified petition, and upon the application of the **ST. MARTIN PARISH GOVERNMENT** for a Temporary Restraining Order, preliminary and permanent injunctive relief:

**IT IS ORDERED** that the Temporary Restraining Order reissue herein prohibiting the Defendants from operating a tree service business from the property located at 1675 Duchamp Road Broussard, Louisiana 70518, using the property located at 1675 Duchamp Road Broussard, Louisiana 70518 as a dumpsite for discarded tree logs, branches, and vegetation, and from operating a commercial mushroom farm at 1675 Duchamp Road Broussard, Louisiana 70582, violating Parish Ordinance located in Section 26-10 of the St. Martin Parish Code of Ordinances, or any other St. Martin Parish Code of Ordinances.

**IT IS FURTHER ORDERED** that Defendants, **BILLY BROUSSARD, BILLY BROUSSARD FARM AND LAND DEVELOPMENT, LLC,** and **BROUSSARD COMPANIES, LLC.,** show cause in open court at the St. Martin Parish Courthouse in St. Martinville, Louisiana, at \_\_\_\_:00 a.m., on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as a \_\_\_\_\_th fixing, why:

- a.) A preliminary injunction should not issue in favor of **ST. MARTIN PARISH GOVERNMENT**, granting the relief requested in the Petition;
- b.) Defendant should not be taxed with all cost; and
- c.) Any other relief ordered by the Court.

**READ AND SIGNED** in St. Martinville, Louisiana this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**16<sup>TH</sup> JUDICIAL DISTRICT JUDGE**

ST. MARTIN PARISH GOVERNMENT

:16<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

: DOCKET NO. 90830 B

BILLY BROUSSARD ET AL.

: ST. MARTIN PARISH, LOUISIANA

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REQUEST FOR STATUTORY NOTICE

**TO: Honorable Becky Patin  
Clerk of Court  
St. Martin Parish Courthouse Annex  
St. Martinville, Louisiana 70582**

PURSUANT TO ARTICLE 1572 of the Louisiana Code of Civil Procedure, I hereby request written notice of the date set for trial of the above numbered and entitled cause, or any date set for trial of any pleadings or motions therein, at least ten (10) days in advance of any trial date.

I also request notice of signing of any judgment or of the rendition of any interlocutory order or judgment in said cause as provided by Articles 1913 and 1914 of the Louisiana Code of Civil Procedure.

Respectfully Submitted:



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Attorney for **ST. MARTIN PARISH GOVERNMENT**

ST. MARTIN PARISH GOVERNMENT

:16<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

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ATTORNEY CERTIFICATION

STATE OF LOUISIANA

PARISH OF ST. MARTIN

Undersigned counsel, for St. Martin Parish Government, certifies to this Court he emailed an entire copy of this Motion and Order to Reset and Petition to Reissue the Temporary Restraining Order along with all attachments of the same to the Defendants, **BILLY BROUSSARD**, and Defendants, **BILLY BROUSSARD FARM AND LAND DEVELOPMENT, LLC**, and **BROUSSARD COMPANIES, LLC**, through their registered Agent for Service of Process, **BILLY BROUSSARD** to email address [billy@billybroussard.com](mailto:billy@billybroussard.com) which is known by undersigned counsel to be the email of **BILLY BROUSSARD** and within the past forty-five days **BILLY BROUSSARD** has used this email address to correspond with the undersigned.

Certified on this 3<sup>rd</sup> day of March, 2022.

\_\_\_\_\_  
**LEE C. DURIO**  
Attorney for St. Martin Parish Government