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April 2, 2018

Via Fax Filing: 337-437-3206

H. Lynn Jones II
Clerk of Court, Parish of Calcasieu
Post Office Box 1030
Lake Charles, Louisiana 70602

RE: *Gravity Drainage District 8 of Ward 1 vs. Larry Dorion, Inc., et al*, Docket No.: 2009-003889, 14th JDC, Parish of Calcasieu

Consolidated With

Broussard Construction Company of Acadiana, LLC vs. Gravity Drainage District 8 of Ward 1, Docket No.: 2009-004425, 14th JDC, Parish of Calcasieu

Dear Mr. Jones,

Please file the attached Motion to Dissolve Restraining Order/Permanent Injunction, Memorandum in Support of, and Rule to Show Cause in the above captioned matter.

Please forward invoice for payment to the undersigned so that we may forward our firm check with the original.

If you should have any questions or need further information, please do not hesitate to contact me.

With kind regards, I remain,

Sincerely,


Robin A. Sylvester

RAS/rs

Attachments

cc: Russell J Stutes, Jr. (via Fax 337-433-0601)
Samuel B Gabb (via Fax 337-436-9637)
Billy Broussard (via email)

GRAVITY DRAINAGE DISTRICT
8 OF WARD 1

14TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 2009-003889

LARRY DOIRON, INC.,
BROUSSARD CONSTRUCTION
CO. OF ACADIANA, LLC, &
WESTERN SURETY COMPANY

PARISH OF CALCASIEU, LOUISIANA

CONSOLIDATED WITH

BROUSSARD CONSTRUCTION
CO. OF ACADIANA, LLC.,
Individually and as a Subrogee of
Larry Dorion, Inc.

14TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 2009-004425

GRAVITY DRAINAGE DISTRICT
8 OF WARD 1

PARISH OF CALCASIEU, LOUISIANA

.....

MOTION TO DISOLVE RESTRAINING
ORDER/PERMANENT INJUNCTION

NOW INTO COURT, through the undersigned counsel, comes BILLY BROUSSARD ("BROUSSARD"), who requests that this Honorable Court to dissolve the Restraining Order/Permanent Injunction placed on him by this Honorable Court on March 30, 2015.

Respectfully submitted by,



Robin A. Sylvester (21154)
Sylvester Law Firm, LLC
1025 Coolidge Street
Lafayette, Louisiana 70503
Telephone: (337) 513-0504
Facsimile: (337) 513-0514

COUNSEL FOR BILLY BROUSSARD and
BROUSSARD CONSTRUCTION
COMPANY OF ACADIANA, LLC

GRAVITY DRAINAGE DISTRICT
8 OF WARD 1

14TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 2009-003889

LARRY DOIRON, INC.,
BROUSSARD CONSTRUCTION
CO. OF ACADIANA, LLC, &
WESTERN SURETY COMPANY

PARISH OF CALCASIEU, LOUISIANA

CONSOLIDATED WITH

BROUSSARD CONSTRUCTION
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14TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 2009-004425

GRAVITY DRAINAGE DISTRICT
8 OF WARD 1

PARISH OF CALCASIEU, LOUISIANA

.....

**MEMORANDUM IN SUPPORT OF MOTION TO
DISOLVE RESTRAINING ORDER**

MAY IT PLEASE THE COURT:

Introduction & Relevant Facts

On March 30, 2015, after a hearing, this Honorable Court issued a Permanent Injunction restraining, enjoining, and prohibiting BROUSSARD any of his entities or representatives from having any communication with or making any requests for information from any of the employees and/or board members of the GRAVITY DRAINAGE DISTRICT 8 OF WARD 1 (“DISTRICT”) and/or any employees and/or police jurors of the CALCASIEU PARISH POLICE JURY (“CPPJ”) with respect to the Indian Bayou/Little Indian Bayou debris removal project. (03/30/2015 Judgment, Exhibit “A”) The Judgment does not reflect that any factual finding of irreparable harm was made to support the granting of the injunction, which is required by LSA- C.C.P Art. 3601, which provides in pertinent part:

“A. An injunction shall be issued in cases where irreparable injury, loss, or damage may otherwise result to the applicant, or in other cases specifically provided by law; provided, however, that no court shall have jurisdiction to issue, or cause to be issued, any temporary restraining order, preliminary injunction, or permanent injunction against any state department, board, or agency, or any officer, administrator, or head thereof, or any officer of the state of Louisiana in any suit involving the expenditure of public funds under any statute or law of this state to compel the expenditure of state funds when the director of such department, board, or agency or the governor shall certify that the expenditure of such funds would have the effect of creating a deficit in the funds of said agency or be in violation of the requirements placed upon the expenditure of such funds by the legislature.”

In order to obtain the Injunction, the GRAVITY DRAINAGE DISTRICT 8 OF WARD 1 (“DISTRICT”) and the CALCASIEU PARISH POLICE JURY (“CPPJ”) filed a Rule for Contempt and Petition for Injunctive Relief asking this Honorable Court to hold BILLY BROUSSARD (“BROUSSARD”) in contempt and further requested preliminary and injunctive relief enjoining and barring BROUSSARD, and any person acting on his behalf, from any form of communication, written or verbal, with any employee or representative of the DISTRICT and the CPPJ in accordance with LSA- C.C.P Art. 3601. This pleading is a part of the Court’s record, and was filed on February 26, 2015.

While the DISTRICT and the CPPJ requested the injunction pursuant to LSA- C.C.P Art. 3601 and 3603, there were no allegations of irreparable harm in their Rule for Contempt/Petition for Injunctive Relief, and no factual information was provided to the Court that would support a finding of irreparable harm. (02/26/2015 Rule for Contempt and Petition for Injunctive Relief, Exhibit “B”)

This Court held a hearing on the Rule filed by the DISTRICT and the CPPJ on March 23, 2015. A review of the transcript of that hearing clearly demonstrates that the DISTRICT and the CPPJ presented no factual evidence to support a finding of irreparable harm that would lead to the issuance of an injunction.

Louisiana Code of Civil Procedure art. 3601(A) states that “[a]n injunction shall be issued in cases where irreparable injury, loss, or damage may otherwise result to the applicant, or in other cases specifically provided by law[.]” In accordance therewith, a petitioner seeking injunctive relief must ordinarily establish that irreparable injury, loss, or damage will result if the requested relief is not granted. *Pierce v. McCoy*, 2016-0243 (La.App. 1 Cir. 10/31/16, 7), 207 So.3d 1069, 1073–74; citing *South Cent. Bell Telephone Co. v. Louisiana Public Service Com'n*, 555 So.2d 1370, 1372 (La. 1990) (citing La. C.C.P. art. 3601).

In this case, there were no factual allegations of irreparable harm, there was no evidence of irreparable harm presented at the hearing, and there are not findings of fact supporting the issuance of the injunction.

CONCLUSION

The DISTRICT did not show irreparable harm in their Rule for Contempt/Petition for Injunctive Relief and this Honorable Court did not identify the irreparable harm when issuing the injunction against BROUSSARD. For these reasons, BROUSSARD seeks dissolution of the

Restraining Order/Permanent Injunction issued by this Honorable Court as the requirements of LSA- C.C.P Art. 3601 were not met.

WHEREFORE, BILLY BROUSSARD, prays for the following:

That the Restraining Order/Permanent Injunction issued by this Honorable Court on March 30, 2015 against BROUSSARD IS dissolved; and

That all costs associated with this motion are paid by GRAVITY DRAINAGE DISTRICT 8 OF WARD 1 and the CALCASIEU PARISH POLICE JURY.

Respectfully submitted,



Robin A. Sylvester (21154)
Sylvester Law Firm, LLC
1025 Coolidge Street
Lafayette, Louisiana 70503
Telephone: (337) 513-0504
Facsimile: (337) 513-0514

COUNSEL FOR BILLY BROUSSARD

GRAVITY DRAINAGE DISTRICT
8 OF WARD 1

14TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 2009-003889

LARRY DOIRON, INC.,
BROUSSARD CONSTRUCTION
CO. OF ACADIANA, LLC, &
WESTERN SURETY COMPANY

PARISH OF CALCASIEU, LOUISIANA

CONSOLIDATED WITH

BROUSSARD CONSTRUCTION
CO. OF ACADIANA, LLC.,
Individually and as a Subrogee of
Larry Dorion, Inc.

14TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: 2009-004425

GRAVITY DRAINAGE DISTRICT
8 OF WARD 1

PARISH OF CALCASIEU, LOUISIANA

.....

RULE TO SHOW CAUSE

Considering the Motion to Dissolve Restraining Order/Permanent Injunction filed herein
by Defendant, BILLY BROUSSARD,

IT IS ORDERED that Plaintiffs GRAVITY DRAINAGE DISTRICT 8 OF WARD 1
("DISTRICT") and the CALCASIEU PARISH POLICE JURY ("CPPJ"), show cause on the ____
day of _____, 2018, at _____ a.m./p.m., why the Motion should not be granted
and the Restraining Order be dissolved.

Lake Charles, Louisiana, this ____ day of April 2018.

JUDGE, FOURTEENTH JUDICIAL DISTRICT

PLEASE SERVE:

Russell J Stutes, Jr.
Stutes & Lavergne, LLC
Attorney for Gravity Drainage District 8 of Ward 1
600 Broad Street
Lake Charles, LA 70601

Samuel B Gabb
Plauche, Smith & Nieset, LLC
Attorney for Calcasieu Parish Police Jury
1123 Pithon Street
Lake Charles, LA 70601

GRAVITY DRAINAGE DISTRICT 8
WARD 1
VS. 2009-003889
DOIRON, LARRY INC

Injunction



14th Judicial District Court

State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: BILLY BROUSSARD
1307 SOUTH MAIN
BREAUX BRIDGE, LA 70517.

Parish of, Louisiana, in said suit:

By virtue of a/an "JUDGMENT" rendered in the above numbered and entitled suit, dated the 30TH day of MARCH 2015, at CALCASIEU and in the name of and by the authority of the State of Louisiana and of said Court.

SEE ATTACHED CERTIFIED COPY OF JUDGMENT.

You, or any other persons, entities, firms, corporation or partnerships acting or claiming to act in his/her behalf, are hereby commanded, enjoined and restrained, until further notice from this Court.

And fail not to obey this PERMANENT INJUNCTION under penalty of the law.

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 30TH day of MARCH 2015.

Issued and delivered April 7, 2015

Delaine Chastain

Delaine Chastain
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____ 20____, and on the _____ day of _____ 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____ 20____

SERVICE \$ _____

BY: _____

Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001



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Filing Date: 04/07/2015 03:31 PM Page Count: 1
Case Number: 2009-003889
Document Name: Injunction



GRAVITY DRAINAGE DISTRICT 8
WARD 1
VS. 2009-003889
DOIRON, LARRY INC

Notice of Judgment with Service



14th Judicial District Court

State of Louisiana
Parish of Calcasieu

THE STATE OF LOUISIANA

TO: BILLY BROUSSARD
1307 SOUTH MAIN
BREAUX BRIDGE, LA 70517

Parish of Saint Martin, Louisiana, defendant in said suit:

YOU ARE HEREBY NOTIFIED that at said term of said Court, judgment was rendered against you in the following words and figures, to-wit:

ALL IN ACCORDANCE WITH CERTIFIED COPY ATTACHED HERETO AND MADE A PART HEREOF.

"JUDGMENT" (PETITION FOR INJUNCTIVE RELIEF HEARING 3/23/15)

Witness the Honorable Judges of said Court, at Lake Charles, Louisiana, this 30th day of March 2015.

Issued and delivered April 7, 2015

Delaine Chastain

Delaine Chastain
Deputy Clerk of Court

SERVICE INFORMATION

Received on the _____ day of _____, 20____, and on the _____ day of _____, 20____, served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED:

PARISH OF _____ this _____ day of _____, 20____

SERVICE \$ _____

BY: _____
Deputy Sheriff

MILEAGE \$ _____

TOTAL \$ _____

Party No. P001



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Filing Date: 04/07/2015 03:18 PM Page Count: 1
Case Number: 2009-003889
Document Name: Notice of Judgment with Service

GRAVITY DRAINAGE DISTRICT
8 OF WARD 1

VS. 2009-003889

LARRY DOIRON, INC.,
BROUSSARD CONSTRUCTION
CO. OF ACADIANA, LLC, &
WESTERN SURETY COMPANY

14TH JUDICIAL DISTRICT COURT

PARISH OF CALCASIEU

STATE OF LOUISIANA

71
exempt

CONSOLIDATED WITH

BROUSSARD CONSTRUCTION
CO. OF ACADIANA, LLC.,
Individually and as a Subrogee of
Larry Doiron, Inc.

14TH JUDICIAL DISTRICT COURT

VS. NO. 2009-004425

PARISH OF CALCASIEU

GRAVITY DRAINAGE DISTRICT
8 OF WARD 1

STATE OF LOUISIANA

FILED: 3-30-15

DEPUTY CLERK OF COURT

JUDGMENT

24c

On the 23rd day of March, 2015, a Petition for Injunctive Relief filed on behalf of the Gravity Drainage District 8 of Ward 1 and the Calcasieu Parish Police Jury came before the Honorable David Ritchie, 14th Judicial District Judge, Division E. Present in court were: Russell J. Stutes, Jr. on behalf of the Gravity Drainage District 8 of Ward 1; Samuel B. Gabb on behalf of the Calcasieu Parish Police Jury; and Billy Broussard.

Considering the law, evidence and arguments of counsel and Billy Broussard:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that a Permanent Injunction is hereby issued, effective March 23, 2015, restraining, enjoining, and prohibiting BILLY BROUSSARD and any of his entities or representatives from having any communication with or making any requests for information from any of the employees and/or board members of the Gravity Drainage District 8 of Ward 1 and/or any of the employees and/or police jurors of the Calcasieu Parish Police Jury with respect to the Indian Bayou/Little Indian Bayou debris removal project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the request for attorneys' fees by the Gravity Drainage District 8 of Ward 1 and the Calcasieu Parish Police Jury is denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all costs of these proceedings are taxed to BILLY BROUSSARD



JUDGMENT RENDERED, READ AND SIGNED in Chambers on this 30th day of

March, 2015, in Lake Charles, Louisiana.



HONORABLE DAVID RITCHIE

Respectfully submitted:

STUTES & LAVERGNE, LLC

By: 

RUSSELL J. STUTES, JR. (21147)

600 Broad Street

Lake Charles, LA 70601

Telephone: (337) 433-0601

Facsimile: (337) 433-0601

Email: rusty@stuteslaw.com

Attorney for Gravity Drainage District 8 of Ward 1

PLAUCHE, SMITH & NIESET, LLC

By: 

SAMUEL B. GABB (#22378)

1123 Python Street

Lake Charles, LA 70601

Telephone: (337) 436-0522

Facsimile: (337) 436-9637

Email: sgabb@psnlaw.com

Attorney for Calcasieu Parish Police Jury

Please Serve:

Billy Broussard
1307 South Main
Breaux Bridge, LA 70517

A TRUE COPY

Lake Charles, Louisiana


Deputy Clerk of Court
Calcasieu Parish, Louisiana

APR 07 2015

GRAVITY DRAINAGE DISTRICT : 14TH JUDICIAL DISTRICT COURT
8 OF WARD 1
VS. 2009-003889 : PARISH OF CALCASIEU
LARRY DOIRON, INC., : STATE OF LOUISIANA
BROUSSARD CONSTRUCTION
CO. OF ACADIANA, LLC, &
WESTERN SURETY COMPANY

CONSOLIDATED WITH

BROUSSARD CONSTRUCTION : 14TH JUDICIAL DISTRICT COURT
CO. OF ACADIANA, LLC.,
Individually and as a Subrogee of
Larry Doiron, Inc.
VS. NO. 2009-004425 : PARISH OF CALCASIEU
GRAVITY DRAINAGE DISTRICT : STATE OF LOUISIANA
8 OF WARD 1
FILED: FEB 26 2015 : ADDISON C. CYR
DEPUTY CLERK OF COURT

2015 FEB 26 PM 3:10
2015 FEB 26 PM 3:10

RULE FOR CONTEMPT AND PETITION FOR INJUNCTIVE RELIEF

NOW INTO COURT, through undersigned counsel, come GRAVITY DRAINAGE DISTRICT 8 OF WARD 1 (the "District") and the CALCASIEU PARISH POLICE JURY ("CPPJ"), who respectfully represent as follows:

1.

On December 30, 2010, this Honorable Court executed a Judgment in the above captioned matter, whereby the Motion for Summary Judgment filed by Broussard Construction Company of Acadiana, LLC (hereinafter, "Broussard") was denied; the Motions for Summary Judgment filed by the District and by Larry Doiron, Inc. were granted; all claims filed in this suit on behalf of Broussard were dismissed in their entirety; Broussard's lien bearing Clerk's file number 2914183 was cancelled; and the District was awarded Fifty-Nine Thousand, Nine Hundred Eighty-Eight and 00/100 Dollars (\$59,988.00) in attorney's fees.

2.

The Judgment was later affirmed by the Third Circuit Court of Appeal, and on February 22, 2013, the Louisiana Supreme Court denied Broussard's Application for Writ of Certiorari.

3.

Seven days later, on March 1, 2013, Billy Broussard, sole member of Broussard Construction Company of Acadiana, LLC, filed a Motion for New Trial, pro se, alleging that this Honorable Court's ruling was contrary to the law and that Broussard discovered new evidence which is detrimental to the case. Said motion was summarily denied.



4.

Then, less than one year later on February 18, 2014, Billy Broussard filed the following, pro se: (i) Motion to Recuse and a Change of Venue, which was summarily denied; (ii) Petition to Annul Judgment alleging fraudulent acts by the District and Calcasieu Parish; and (iii) Motion for Discovery and or Motion to Compel Discovery and Rule to Have Heard.

5.

In response, the District filed the following: (i) Motion to Disqualify Billy Broussard as Attorney for Broussard Construction Company of Acadiana, LLC; (ii) Peremptory Exception of *Res Judicata*; and (iii) Motion for Sanction against Billy Broussard, personally. All of these matters were heard on May 14, 2014. This Court denied all of Broussard's motions; granted the District's Peremptory Exception of *Res Judicata*; dismissed Broussard's Petition to Annul Judgment with prejudice; and granted the District's Motion for Sanction against Billy Broussard, awarding the District attorney fees in the amount of Seven Thousand Four Hundred Six and 25/100 Dollars (\$7,406.25) and litigation expenses in the amount of Four Hundred Fifty-Six and 75/100 Dollars (\$456.75). These Judgments all became final and non-appealable in July of 2014.

6.

Approximately eight (8) months after Billy Broussard was personally sanctioned and his frivolous claims against the District were denied for the third time by this Court, Billy Broussard began harassing employees of the District and the CPPJ regarding the Indian Bayou/Little Indian Bayou debris removal project (hereinafter, the "Project"), which was the subject of this litigation.

7.

Billy Broussard contacted Lesley Impastato, an employee of the District, via telephone and requested to be put on the agenda for the District's February 9, 2015, board meeting to discuss the Project. He contacted Sam Gabb, the CPPJ's attorney, via email and requested a meeting with him to discuss the Project and "work this out." He contacted Lynette Monteith, Assistant Purchasing Agent for the CPPJ, via email and requested to view all documents pertaining to the Project. He contacted Theresa Champeaux, Assistant Director of Public Works for the CPPJ, and requested information regarding the rain gauge and electronic monitor that was on the Project. He has also contacted the Calcasieu Parish District Attorney's office and requested a meeting to discuss the criminal actions of certain individuals who instructed him to remove ineligible debris from the bayou knowing that said debris was not within the scope of the Project. See attached Exhibit "A" *en globo*.

8.

On February 16, 2015, the undersigned counsel for the District sent Billy Broussard a letter, of which the District has confirmation of receipt, regarding the harassment of government employees described in paragraph 7 above. Said letter reminded Billy Broussard of this Court's ruling on May 14, 2014, whereby his Motion for Discovery with respect to the Project was denied and his attempts to revive this case failed. He was also advised that the next time he harassed the employees of the District and/or the CPPJ regarding the Project, further actions would be taken.

9.

Despite the warning described in paragraph 8 above, the fact that Broussard still owes the District over \$65,000.00 for attorney's fees and litigation expenses, and that this matter should have concluded almost two years ago, Billy Broussard continues to subvert this Court's judgments by harassing government employees for information and documents regarding the Project – the same and identical information and documents he received throughout the normal course of litigation.

10.

As a result, the District and the CPPJ request that this Court hold Billy Broussard in contempt for deliberately subverting the judgments rendered by this Court. The District and the CPPJ further request preliminary and permanent injunctive relief enjoining and barring Billy Broussard, and any person acting on his behalf, from any form of communication, written or verbal, with any employee or representative of the District and the CPPJ pertaining to the Project in accordance with La. Code Civ. P. arts 3601 and 3603.

WHEREFORE, the foregoing considered, GRAVITY DRAINAGE DISTRICT 8 OF WARD I and the CALCASIEU PARISH POLICE JURY pray that:

I. After due proceedings had, this Honorable Court hold BILLY BROUSSARD in contempt for deliberately subverting the judgments rendered by this Court;

II. BILLY BROUSSARD be issued and ordered to comply with the enclosed Preliminary Injunction, all pursuant to La. Code Civ. P. arts. 3601 and 3603;

III. In due course, BILLY BROUSSARD be issued and ordered to comply with a permanent injunction;

IV. BILLY BROUSSARD be ordered to pay all costs of these proceedings; and

V. GRAVITY DRAINAGE DISTRICT 8 OF WARD 1 and CALCASIEU PARISH
POLICE JURY be granted such additional relief as the law, evidence and equity warrants, and
this Court is competent to grant.

Respectfully submitted:

STUTES & LAVERGNE, LLC

By: 

RUSSELL J. STUTES, JR. (#21147)

600 Broad Street

Lake Charles, LA 70601

Telephone: (337) 433-0601

Facsimile: (337) 433-0601

Email: rusty@stuteslaw.com

Attorney for Gravity Drainage District 8 of Ward 1

PLAUCHE, SMITH & NIESET, LLC

By: 

SAMUEL B. GABB (#22378)

1123 Python Street

Lake Charles, LA 70601

Telephone: (337) 436-0522

Facsimile: (337) 436-9637

Email: sgabb@psnlaw.com

Attorney for Calcasieu Parish Police Jury

Please Serve:

Billy Broussard
1307 South Main
Breaux Bridge, LA 70517