

SHELLEY SEBASTIAN

NUMBER: _____ DIV. _____

VERSUS

19TH JUDICIAL DISTRICT COURT

LOUISIANA STATE POLICE RETIREMENT SYSTEM
And IRWIN FELPS, DIRECTOR

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

PETITION FOR WRIT OF MANDAMUS, INJUNCTIVE AND DECLARATORY RELIEF:
PURSUANT TO THE PUBLIC RECORDS LAW, TITLE 44 § 35 ENFORCEMENT

NOW INTO COURT, through undersigned counsel, comes Plaintiff, SHELLEY SEBASTIAN who, pursuant to Article XII Section 3 of the Louisiana Constitution and La. R.S. 44:35 and other applicable law cited herein, that this Court issue a Writ of Mandamus directing Irwin Felps, Director of Louisiana State Police Retirement System (LAPRS) to provide Plaintiff with public records in their possession relating to a Notice of Proposed Action dated December 10, 2018 and March 11, 2019, whereas LSPRS listed reasons dating back to 2014 to terminate Shelley Sebastian, but failed to provide evidence of such allegations, which forms the basis of this litigation. In support of this Writ of Mandamus, Plaintiff submit the following:

1.

Shelley Sebastian, a person over the full age of majority, is the proper person to bring this Petition for Writ of Mandamus.

2.

Made Defendant herein is Louisiana State Police Retirement System, and Irwin Felps, in his capacity as Director of LSPRS.

3.

This Writ of Mandamus is properly directed to Defendants pursuant to La. C.C.P. art 3863.

4.

Venue is proper pursuant to La. R.S. 44:35.

5.

Defendants have objected to Plaintiff's in writing requests for investigative material relating to allegations included in a Notice of Proposed Action dated December 11, 2018 and March 11, 2019, which forms the basis of this litigation, specifically the documents and things supporting the allegations made against Shelley Sebastian during the time of her employment with LSPRS.

6.

Pursuant to the La. C.C.P. art 3865, Plaintiff requests a Writ of Mandamus be issued to Defendant and that an expedited contradictory hearing be set ordering Defendant so show cause as to why the Public Records requested namely (but not limited to) the calendar showing tardiness for all employees for each month of

the calendar year beginning 2014-2018; any and all performance evaluations showing satisfactory in an attempt to assist employees in receiving a raise; any and all emails mentioning Shelley Sebastian; contract with Department of Public Safety giving special instructions to follow employee Shelley Sebastian when she reported for work on March 11, 2018; Invoice from Prison Enterprises from September 2018, is not required to be produced.

7.

Defendant(s) allege because this information is requested in response to a Notice of Proposed Action, LSPRS is not bound to comply.

8.

Defendant alleged it does not have to respond to the Public Records Request unless or until an Administrative Hearing is held.

9.

Defendant instituted an Administrative Hearing when it initially terminated Shelley Sebastian on or about January 7, 2019, which it ultimately rescinded due to a procedural error.

10.

Shelley Sebastian was scheduled to return to work on March 11, 2019 and received a new Notice of Proposed Action.

11.

Shelley Sebastian, through her attorney of record sent two public records requests to the custodian of records for LSPRS, Mr. Irwin Felps, Director on March 15, 2019.

12.

Shelley Sebastian, through her attorney of record sent a third public records request to the custodian of records for LSPRS, Mr. Irwin Felps, Director on March 16, 2019.

13.

Director Irwin Felps responded to the public records request that no document exists; however, the Notice of Proposed Action alleges a document existed at one time.

14.

Director Irwin Felps has provided altered public records or fully redacted documents to Shelley Sebastian in an attempt to state it has complied with each request it had in its possession.

15.

Director Irwin Felps provided no explanation as to the reason the requested records no longer exist.

16.


Any further delay would likely cause permanent injury to the public record.

17.

Plaintiff request an expedited hearing. Hearing shall be set within ten (10) days of service of the Writ pursuant to La. C.C.P. art 3782. Plaintiff further prays for an award of attorney's fees, costs, damages, and civil penalties, as provided by the Louisiana Public Records Act, La. R.S. 44:35.

WHEREFORE, Plaintiff Shelley Sebastian prays that a Writ of Mandamus issue, directing Defendant(s) Louisiana State Police Retirement System and Irwin Felts, Director, to provide Plaintiff with a copy of all documents related to the Notice of Proposed Action dated December 11, 2018 and March 11, 2019; that Defendants be ordered to show cause on the date and hour assigned by this Court why the Writ of Mandamus issued herein should not be made peremptory at Defendant's costs; and After hearing on this application the Writ of Mandamus be directed to Louisiana State Police Retirement System and Irwin Felts, Director, be case statutory penalties, damages and for all costs of these proceedings, including attorneys fees.

RESPECTFULLY SUBMITTED

HILLS LAW FIRM, LLC


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PLEASE SERVE:

Louisiana State Police Retirement System and
Irwin Felts, Director
Through its Chief Executive Officer
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Baton Rouge, La. 70809

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RULE TO SHOW CAUSE

Considering the foregoing petition for Writ of Mandamus filed by Plaintiff SHELLEY SEBASTIAN
IT IS HEREBY ORDERED that Defendants LOUISIANA STATE POLICE RETIREMENT SYSTEM
and IRWIN FELPS, Director, be and hereby compelled to appear on the ____ day of _____,
2019 at _____ o'clock am/pm and present evidence as to why Plaintiff's Petition for Writ of
Mandamus should not be granted as prayed.

Baton Rouge, Louisiana this _____ day of _____, 2019.

JUDGE, 19TH JUDICIAL DISTRICT COURT