
JUDGMENT ON RULES

The above captioned matter was presented to the Court on August 29, 2016 as a Motion to Compel and a Motion to Fix Attorney's Fees, penalties and costs filed on behalf of **THE INDEPENDENT WEEKLY**.

Present in court were Gary McGoffin representing plaintiff **THE INDEPENDENT WEEKLY** and Kevin Stockstill and Joy C. Rabalais representing defendant **LAFAYETTE CITY MARSHAL BRIAN POPE**. After receiving evidence and argument, the Court took the matter under advisement and conducted an *in camera* inspection of the redacted invoices and un-redacted invoices of Charles K. Middleton for the period October 2015 through February 2016, as well as the responses to a Subpoena Duces Tecum of a non-party named Hillary "Joe" Castile.

After considering the pleadings filed herein, the applicable law, evidence submitted, arguments of counsel, and for the reasons herein described, the Court rendered the following judgment:

The plaintiff has proven by a preponderance of the evidence that Marshal Pope paid from the funds of his office, \$460 to Charles K. Middleton to draft a motion for Mr. Troyce W. Thorla to unseal the record in the case of Mark Garber vs. Rachel Garber, Docket No. 2013-3417, and on 2 JUN 2016, Mr. Middleton return \$460 to the marshal and reported Middleton was unable to locate that motion in his files.

On November 30, 2015, plaintiff presented a Public Records Request to Marshal Pope, and that document requested 14 items. Item #14 requests the following: "Documentation of all interaction or data sharing including email addresses (To and From) the Chad Leger campaign for Sheriff including its utilization of "Campaigner" for email distribution of the October 7, 2015 press conference Advisory and Press Release." The marshal responded to each of these request in a response dated December 3, 2015. Marshal Pope's specific response to Item #14 is: "No responsive documents exist." That response has not been amended. The adequacy of that response has been the subject of several hearings.

On January 4, 2016, the Court conducted a hearing on the adequacy of the marshal's response to the November 30, 2015 public records request, and in a judgment dated January 14, 2016, the Court declared those responses woefully inadequate along with the responses provided to the October 8, 2015 public records request. May 2, 2016 was the next hearing regarding the content of Marshal Pope's December 3, 2015 response to the Independent's November 30, 2015 public records request. The Independent was attempting to obtain the "Campaigner" email list from a non-party named Hillary "Joe" Castile, who resisted this attempt and filed a motion to quash the previously issued Subpoena and Subpoena Duces Tecum. After a hearing, the Court granted the motion because of the plaintiff's failure to comply with the requirements of La. CCP Art. 1433. On August 25, 2016, Marshal Pope filed a motion for *in camera* inspection of the "Campaigner listing of the e-mails of persons to whom the October 7, 2015 press release e-mail blast was sent that is in the possession of Joe Castille, said documentation having been requested by plaintiff in Item #14 of its November 30, 2015 Public Records Request, so that the Court conduct a proper analysis pursuant to the Louisiana Supreme Court case of *Shane v. Parish of Jefferson*, 2014-2225 (La. 12/8/ 15), _ So.3d _, 2015 WL 8225830".

Mr. Castille's attorney has argued "content of the e-mails exchanged were purely personal and had no relation to any function of the City Marshall's public office". This attorney further "...argues that the content of the e-mails were [sec] not public record...". The first step in the "Shane" analysis is the determination of whether or not the information requested is a public record. Our legislature has provided a very broad definition of a public record. LA R.S. 44:1(A)2(a) provides:

All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained

for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, are "public records", except as otherwise provided in this Chapter or the Constitution of Louisiana.

Item #14 requests the following: "Documentation of all interaction or data sharing including email addresses (To and From) the Chad Leger campaign for Sheriff including its utilization of "Campaigner" for email distribution of the October 7, 2015 press conference Advisory and Press Release." This is clearly a request for all component parts of the email transmissions regarding the October 7, 2015 press conference Advisory and Press Release.

However, there was no evidence submitted as to what those component parts of an email may be. This may be because the litigants assume the Court is conversant in the use of electronic mail. In any event, this Court takes judicial notice of the following facts:

- 1) An email message consists of the following component parts:
 - a. A "To" field which contains the email address of the recipient(s) of the message,
 - b. A "From" field which contains the email address of the sender of the message,
 - c. A "Body" field which contains the information the sender intends to transmit to the recipient(s).
- 2) An email address has three parts:
 - a. A local part, which is the information in front of the "at sign" (@),
 - b. The "at sign" (@),

- c. The domain name, which is the information that follows the “at sign”, which identifies one or more internet protocol addresses.
- 3) An email message may have several allied documents attached to the message, and those allied attached documents are called “attachments”.

If any party believes the Court’s knowledge of these facts is incorrect or incomplete, the Court is willing to conduct an evidentiary hearing in order to ascertain the facts. This Court finds Item #14 requests information that is responsive to all of the above-described component parts of the email transmissions regarding the October 7, 2015 press conference Advisory and Press Release. In fact, Item #14’s definition of requested information is actually more broadly defined than that; however, the request for all of the component parts of email transmissions is the minimum information that is responsive to that request.

During the January 4, 2016 hearing we determined that Marshal Pope was one of the custodians of the emails of the “October 6, 2015, press conference advisory” and “October 7, 2015 press release” that are the subject of this litigation. LA RS 44:1(A)(3) provides: “As used in this Chapter, the word "custodian" means the public official or head of any public body having custody or control of a public record, or a representative specifically authorized by him to respond to requests to inspect any such public records.”

On August 27, 2016, by authentic act, Marshal Pope, on advice of counsel, invoked his fifth amendment privilege and refused to describe any action he may have taken to obtain the “campaigner” email list from Chad Leger or Joe Castille which was utilized to distribute his October 6 and 7, 2015 press conference Advisory and Press Release.

La. R.S. 44:34 prescribes the response when the person does not have custody of the records.

If any public record applied for by any authorized person is not in the custody or control of the person to whom the application is made, such person shall promptly certify this in writing to the applicant, and shall in the certificate state in detail to the best of his knowledge

VERSUS**DOCKET NUMBER 2015-5737-B****LAFAYETTE CITY MARSHAL
BRIAN POPE****LAFAYETTE PARISH, LOUISIANA**

and belief, the reason for the absence of the record from his custody or control, its location, what person then has custody of the record and the manner and method in which, and the exact time at which it was taken from his custody or control. He shall include in the certificate ample and detailed answers to inquiries of the applicant which may facilitate the exercise of the right granted by this Chapter.

However, “The custodian may not avoid its responsibility to control public records by transferring physical possession to another. In *Times–Picayune Publishing Co. v. Johnson*, 645 So.2d 1174, the defendant legislators argued that they did not have custody of the requested records because they had transferred possession to Tulane University. This Court rejected that argument because the legislators were required by law to maintain the records for three years and therefore had “control” of the documents. Moreover, although La. R.S. 44:1(A)(3) ... permits transfer of the physical custody to another, this does not mean legislators can avoid their responsibility to control their public records merely by transferring physical custody to another. [Emphasis in original.]”¹

The marshal has testified that the work conducted to prepare for this press conference and that the conduct of this press conference was performed in his official capacity as City Marshal. He and several of his deputy marshals conducted this press conference on duty and in uniform. Marshal Pope “used, ... or prepared, possessed, or retained for use these emails in the conduct, transaction, or performance of” the official business of the office of the City Marshal of Lafayette, Louisiana. “Clearly “electronic mail,” or “email,” falls within the definition of “letters,” despite generally lacking a physical form and though usually stored in an electronic format, and, if used in the performance of any work, duty, or function of a public body, under the authority of state or local law, should be deemed a “public record.””² Thus, this Court finds the email messages the Marshal sent or caused to be sent regarding the October 6 and 7, 2015 press conference advisory and press release are public records.

¹ Alliance for Affordable Energy v. Frick, 96-1763 (La. App. 4 Cir. 5/28/97), 695 So. 2d 1126, 1133

² Shane v. Par. of Jefferson, 2014-2225 (La. 12/8/15)

VERSUS**DOCKET NUMBER 2015-5737-B****LAFAYETTE CITY MARSHAL
BRIAN POPE****LAFAYETTE PARISH, LOUISIANA**

However, the current dispute is the status of a component part of those emails, specifically the email addresses. Are the email addresses of the recipients of those messages a public record? The answer to this question turns on the particular facts of this case. In this case, the marshal agrees the contents of the “From” field and the “Body” field are public records and those portions of the emails at issue have already been provided to the plaintiff. (These emails contained no attachments.) Marshal Pope and Joe Castille contend the contents of the “To” fields of these email messages are not public records.

The Louisiana Supreme Court has declared in *Shane* email messages “used in the performance of any work, duty, or function of a public body, under the authority of state or local law, should be deemed a “public record.”” The *Shane* Court did not address the sub-component parts of an email message. The argument employed by Marshal Pope and Joe Castille is plausible because of the scheme they devised to distribute these email messages.

This Court finds that Marshal Pope and Joe Castille utilized a third party to actually transmit these email messages. During this litigation that third party has been identified as “Campaigner”. Marshal Pope and Joe Castille carefully coordinated the preparation and execution of this October 7, 2016 press conference. The use of “Campaigner” was an integral component of the preparation for this press conference. Marshal Pope authorized the content of, and the transmission of, the emails at issue. This Court further finds Marshal Pope authorized Joe Castille to instruct the Campaigner's email server to send the email messages that Marshal Pope approved regarding the October 6 and 7, 2015 press conference advisory and press release to a large number of recipients, in a manner that created the appearance that Marshal Pope was the sender of those email messages.

Joe Castille has not testified in any of our hearings. Marshal Pope testified Mr. Castille was managing the campaign of a candidate for Sheriff during the time that Mr. Castille was helping Marshal Pope plan and prepare for his October 7, 2015 press conference. Marshal Pope also testified he supported Mr. Castille’s candidate. No recording of this press conference was introduced in evidence during these proceedings. Marshal Pope testified this press conference

VERSUS

DOCKET NUMBER 2015-5737-B

LAFAYETTE CITY MARSHAL
BRIAN POPE

LAFAYETTE PARISH, LOUISIANA

serve a law enforcement purpose and not a political purpose. No one testified that the press conference or the October 6 and 7, 2015 press conference advisory and press release were prepared or conducted for a political purpose.

Marshal Pope argues his computers do not contain any data regarding the contents of the “To” fields in the email messages that he authorized Campaigner to send in a manner that looked like the marshal had actually sent the email messages. Although the marshal may possess these email addresses, there is no evidence in this record that supports a conclusion that the marshal has in his possession a specific list of the email addresses of the recipients of his October 6 and 7, 2015 press conference advisory and press release.

Joe Castille has provided to this Court, at the request of Marshal Pope "[a] copy of the Campaigner e-mail listing to the persons to whom the October 6, 2015 Press Release Advisory was e-mailed by the Campaigner software" for an *in camera* inspection. In response, Joe Castille provided a 199-page document. This material did not contain any description of the contents. The Court finds the submission contains two parts. The first part is labeled “OCTOBER 6, 2015 PRESS RELEASE ADVISORY LIST”, which contains 65 pages. The first of these pages contains 28 entries. Page 12 of 65 contains 20 entries. Page 25 of 65 contains 13 entries. Page 35 of 65 contains 25 entries. Page 40 of 65 contains 11 entries. Page 65 contains 32 entries. The remaining 59 pages contain 40 entries per page. The second part is labeled “OCTOBER 7, 2015 PRESS RELEASE LIST”, which contains 134 pages. Page 1 of 134 contains 28 entries. Page 20 of 134 contains 36 entries. Page 30 of 134 contains 25 entries. Page 70 of 134 contains 34 entries. Page 91 of 134 contains 28 entries. Page 104 of 134 contains 11 entries. Page 129 of 134 contains 32 entries. Page 132 of 134 contains 12 entries. Page 133 of 134 contains one entry. Page 134 of 134 contains one entry. The remaining 124 pages contain 40 entries per page. Some of these entries contain names and email addresses, and others only contain email addresses.

Marshal Pope argues for a conclusion that his office does not have possession of a record of the requested email addresses of the recipients, and he did not create a record of these email addresses in the “To” field of the emails that are stored on his computers; thus, he argues the email

VERSUS

DOCKET NUMBER 2015-5737-B

LAFAYETTE CITY MARSHAL
BRIAN POPE

LAFAYETTE PARISH, LOUISIANA

addresses of these recipients are not public records. Although these parties present a unique set of facts and there is no jurisprudence that addresses this particular dispute, this Court is aware of several legal pronouncements that provide assistance in the resolution of this dispute. The custodian of public records cannot be legally compelled to create records that should have been created but were not.³ However, La. R.S. 44:36 requires custodians of public records to maintain those records for at least three years. Also, La. R.S. 44:31(B)(3) provides, “[t]he burden of proving that a public record is not subject to inspection, copying, or reproduction shall rest with the custodian.” La. R.S. 44:34 provides, “[i]f any public record applied for by any authorized person is not in the custody or control of the person to whom the application is made, such person shall promptly certify this in writing to the applicant, and shall in the certificate state in detail to the best of his knowledge and belief, the reason for the absence of the record from his custody or control, its location, what person then has custody of the record and the manner and method in which, and the exact time at which it was taken from his custody or control....” Also, La. R.S. 44:37 authorizes criminal penalties for “Any person having custody or control of a public record, who violates any of the provisions of this Chapter, or any person not having such custody or control who by any conspiracy, understanding or cooperation with any other person hinders or attempts to hinder the inspection of any public records” (emphasis added).

Similarly, the *Shane* Court reviewed several pronouncements which also provide guidance. “The legislature has recognized that it is essential to the operation of a democratic government that the people be made aware of all exceptions, exemptions, and limitations to the laws pertaining to public records. LSA– R.S. 44:4.1(A). In order to foster the people's awareness, the legislature declared that all exceptions, exemptions, and limitations to the laws pertaining to public records shall be provided for in the Public Records Law or the Constitution of Louisiana.”*Id.* Any exception, exemption, and limitation to the laws pertaining to public records not provided for in the Public Records Law or in the Constitution of Louisiana has no effect. *Id.* Thus, access to public records can be denied only when the Public Records Law or the Constitution specifically and

³ Williams Law Firm v. Bd. of Sup'rs of Louisiana State Univ., 2003-0079 (La. App. 1 Cir. 4/2/04), 878 So. 2d 557, 572.

VERSUS**DOCKET NUMBER 2015-5737-B****LAFAYETTE CITY MARSHAL
BRIAN POPE****LAFAYETTE PARISH, LOUISIANA**

unequivocally provide otherwise. See *DeSalvo v. State*, 624 So.2d 897, 902 (La.1993), *cert. denied*, 510 U.S. 1117, 114 S.Ct. 1067, 127 L.Ed.2d 386 (1994). As with Article XII, Section 3, the Public Records Law should be construed liberally in favor of free and unrestricted access to public documents. *Landis v. Moreau*, 779 So.2d at 695; *Title Research Corporation v. Rausch*, 450 So.2d 933, 937 (La.1984). Whenever there is doubt as to whether the public has the right of access to certain records, the doubt must be resolved in favor of the public's right to see; to allow otherwise would be an improper and arbitrary restriction on the public's constitutional rights. *In re Matter Under Investigation*, 07–1853 (La.7/1/09), 15 So.3d 972, 989; *Capital City Press v. East Baton Rouge Parish Metropolitan Council*, 96–1979 (La.7/1/97), 696 So.2d 562, 564; *Title Research Corporation v. Rausch*, 450 So.2d at 936.”⁴

This Court finds the list of email addresses used to populate the “To” field in the emails at issue is a record. The fact that that record does not exist on the marshal’s computers is not relevant to this analysis. However, more analysis is required to determine if this record is a public record. The Court is presented with three competing theories as to who developed this list of email addresses:

- 1) The list of addresses was exclusively produced by Marshal Pope and delivered to Joe Castille for him to upload to the Campaigner email server; or
- 2) The list of addresses was exclusively produced by Joe Castille; or
- 3) The list of addresses was the product of the efforts of both of these men, and Marshal Pope delegated to Joe Castille the task of uploading the list to the Campaigner email server.

If the list of addresses was exclusively produced by Joe Castille, they are not public records; however, if either of the other options are true, then they are public records. If Marshal Pope developed the list or collaborated in the development of the list, then he possessed the list. If the list exists in some medium other than human memory, the list is a record. If Marshal Pope developed the list or collaborated in the development of the list, in preparation of the October 7,

⁴ *Shane v. Par. of Jefferson*, 2014-2225 (La. 12/8/15)

VERSUS

DOCKET NUMBER 2015-5737-B

LAFAYETTE CITY MARSHAL
BRIAN POPE

LAFAYETTE PARISH, LOUISIANA

2015 press conference that was prepared and executed for a law enforcement purpose, the list is a public record. If Marshal Pope later transferred possession of that list to Mr. Castille, Marshal Pope remained the custodian of that public record. Authority may be delegated but not responsibility. Marshal Pope retained all of the duties and obligations of the custodian of public records even when those records were in the physical possession of Joe Castile. Marshal Pope bears the burden of proving the lists provided for inspection are not public records. He has not met that burden of proof. **This court finds the material submitted for inspection by Mr. Castile is a public record.**

The next step in the *Shane* analysis is the determination if any portion of the public record is subject to one of the many exceptions set forth either in the Louisiana Constitution or the Public Records Law. This Court is aware of the plaintiff's request that the defendant and any other interested party be required to claim and argue for the application of a particular exemption. This Court is also aware that this summary proceeding has taken far too long to reach resolution, so we will press on.

The marshal testified the October 7, 2015 press conference was called to discuss law enforcement action regarding illegal aliens. There is no evidence in this record that any of the recipients of these emails contacted the marshal's office requesting information about any law enforcement action regarding illegal aliens. The record supports a conclusion the October 6 and 7, 2015 press conference advisory and press release were unsolicited transmissions from Marshal Pope.

This case is complicated by a question that may have inspired this litigation but is not before the court for resolution. That question is: did Marshal Pope use the public resources of his office to promote a private interest. The marshal has testified that he supported Joe Castille's candidate in the race for sheriff. Component unresolved questions are:

- 1) Was this October 7, 2015 press conference truly intended for a law enforcement or political purpose? and

- 2) Even if the press conference was intended for a law enforcement purpose, did it contain any law enforcement utility?

Although those are important questions, they cannot be resolved in this litigation.

It may in fact be true that some of the recipients of these emails may have been partisan in the sheriff's election. All persons in this state have a constitutional right to privacy. U.S.C.A. Const. Amend. 1; LSA–Const. Art. 1, §§ 5, 7, 9. The state constitutional right to privacy applies only where one has a reasonable expectation of privacy in the matter sought to be protected. The test for determining whether one has a reasonable expectation of privacy, which is constitutionally protected by the state constitutional right to privacy, is not only whether the person had an actual or subjective expectation of privacy, but also whether that expectation is of a type that society at large is prepared to recognize as being reasonable. The state constitutional right of privacy is limited by society's right to be informed about legitimate subjects of public interest. LSA–Const. Art. 1, § 5.

The rights of the recipients of these email messages must be balanced against the right of the public to inspect public records. After careful consideration of the rights of all parties, this Court determines redaction of the names and some portion of the email addresses is required. We now return to the previously described three component parts of the email addresses. After reviewing the email addresses, this court finds that several of the local parts of these email addresses (the information in front of the “at sign” (@)) contain the recipient's actual name. Those will be redacted in accordance with this order. The court takes judicial notice of the following facts: The local parts of several of the addresses are so close to the actual name that the actual name can be easily guessed. Additionally, many of the more obscure local parts of the addresses can be rapidly associated with the actual name of the recipient using relatively simple processes provided in publicly available programs and facilities. If any party believes the Court's knowledge of these facts is incorrect or incomplete, the Court is willing to conduct an evidentiary hearing in order to ascertain the facts. Based on these facts, the Court finds the entire local part of these email addresses must be redacted.

VERSUS

DOCKET NUMBER 2015-5737-B

**LAFAYETTE CITY MARSHAL
BRIAN POPE**

LAFAYETTE PARISH, LOUISIANA

However, there is no reasonable expectation of privacy in the domain name. The domain name, is the information that follows the “at sign”, which identifies one or more internet protocol (IP) addresses. Domain names are publicly available and generally do not identify any particular human. Even when the domain name is also the name of a particular human being, there is no reasonable expectation that the human being bearing that name is the only person who uses an email address with that domain name. John Smith may have registered an IP address with the domain name of “JohnSmith.com”, and may have assigned himself an email address of John_Smith@JohnSmith.com. However, it would not be at all unusual that John Smith has assigned email addresses under that domain name to several other people. Thus, there may also be the following authorized email addresses: Betty@Johnsmith.com, wg9Tall@Johnsmith.com, and if that is correct revealing the domain name would not reveal the name of the person who uses any of these three email addresses. Of course, in the unlikely event that one of the email addresses on this list contains a domain name that only has one email address associated with it, this Court is willing to conduct an evidence hearing to ascertain that fact.

The Court finds there are insufficient facts in evidence to determine the amount of attorney’s fees that are currently due. The Court finds the amount of statutory penalties due as of the date of this decision, September 6, 2016 is \$29,580.00. On March 16, 2016, those statutory penalties had accumulated to the amount of \$18,800.00 and the then existing attorney's fees had accumulated to the amount of \$71,691.00, and costs had accumulated to the amount of \$6,223.52. Although the amount of the attorney’s fees and costs has probably also increased, that issue was not resolved with this decision. On February 16, 2016, this Court set a suspensive appeal bond in the amount of \$80,000. This Court now finds the amount of that suspensive appeal bond is insufficient.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Motion to Compel filed by Lafayette City Marshal Brian Pope be and is hereby granted in part, and

- 1) **Marshal Brian Pope is ordered to** remove the redactions in accordance with the markings on the un-redacted version of those invoices that are filed under seal. The marshal has filed under seal a redacted version that contains highlighted text that the

marshal proposes for redaction in an opaque manner. Those highlights are in the color yellow. This version of proposed redactions contains fewer proposed redactions than in the version previously submitted with opaque redactions. The Court has highlighted portions of that text in the color green and indicated those sections shall be provided to the plaintiff in an un-redacted format. The Court agrees that the portions redacted in the yellow highlighted color are privileged, and the plaintiff is not entitled to see this material. Marshal Brian Pope is ordered to produce to the plaintiff invoices of Charles K. Middleton for the period October 2015 through February 2016 that are redacted in the manner herein described within seven calendar days of the signing of this order.

- 2) **Marshal Brian Pope is ordered** to produce to the plaintiff the “Mr. Redmond” motion or definitively resolve the question of its existence within seven calendar days of the signing of this order. This motion is referenced in the Middleton invoices of November 10th and 12, 2015. Marshal Pope and his attorneys have asserted at various times this motion is not privileged, is privileged, and does not exist. This Court is unclear as to which of these contradictory assertions is the current position adopted by Marshal Pope. However, as previously described, this Court finds this material is not privileged.
- 3) **Hillary “Joe” Castile is ordered** to provide THE INDEPENDENT WEEKLY a listing of the email addresses with the local parts of those addresses opaquely redacted, within 14 calendar days of the signing of this order. That listing shall contain all of the addresses provided to this Court in an un-redacted format, however the local parts of those addresses shall be opaquely redacted.
- 4) Lafayette City Marshal Brian Pope remains liable to The Independent for statutory penalties at the rate of \$100 per day for both the October 8, 2015 and the November 30, 2015 public record requests with the penalty continuing to accrue until complete document responses are provided to The Independent including documents from any of the marshal's computer or the marshal's server.
- 5) **Marshal Brian Pope is ordered** to pay **THE INDEPENDENT WEEKLY** \$29,580.00 in statutory penalties. That amount is inclusive of the \$18,880.00 that this court declared was due and owing in the judgment signed on March 24, 2016.

THE INDEPENDENT WEEKLY

15TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER 2015-5737-B

**LAFAYETTE CITY MARSHAL
BRIAN POPE**

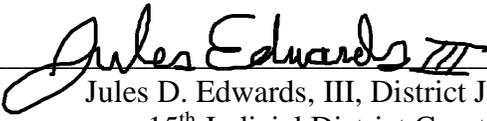
LAFAYETTE PARISH, LOUISIANA

- 6) **Marshal Brian Pope is ordered** to provide a suspensive appeal bond in the increased amount of \$90,000.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Motion to Fix Attorney's Fees, costs filed by **THE INDEPENDENT WEEKLY** is presently premature.

All costs associated with these motions are assessed to **LAFAYETTE CITY MARSHAL BRIAN POPE**.

Judgment rendered and signed in chambers on the 6th day of September 2016.



Jules D. Edwards, III, District Judge
15th Judicial District Court