

JOHN E. SETTLE, JR.

CASE NO. _____

VERSUS

1ST JUDICIAL DISTRICT COURT

CITY OF SHREVEPORT, JAMES
GREEN and SHREVEPORT CITY
COUNCIL

CADDO PARISH, LOUISIANA

PETITION FOR DECLARATORY JUDGMENT AND TEMPORARY
RESTRAINING ORDER ON
SHREVEPORT CITY COUNCIL CHAIRMAN VOTE

NOW INTO COURT, through undersigned counsel, come Petitioner, JOHN E. SETTLE, JR., a resident of Caddo Parish, Louisiana, respectfully represents:

1.

That John E. Settle, Jr. ("SETTLE") is a resident of Shreveport, Louisiana and a resident of Caddo Parish, Louisiana and as a private citizen is an interested party in determining what person was properly elected to serve as chair of the Shreveport City Council.

2.

That named Defendants herein are:

- (A) CITY OF SHREVEPORT, a municipal corporation who may be served through its Mayor Tom Arceneaux ("CITY") and
- (B) SHREVEPORT CITY COUNCIL which may be served through Clerk of Council, Kendra Joseph.
- (C) JAMES GREEN, 2022 Chairman of Shreveport City Council.

3.

That the Shreveport City charter provides in Sec. 4.10 that it shall meet on the date its members take office at which time it shall elect a chairman and a vice chairman.

4.

That the new council (James Green, Tabatha Taylor, Alan Jackson, Ursula Bowman, Grayson Boucher, Jim Taliaferro and Gary Brooks) took the oath of office before noon on Dec. 31.

5.

That the city council met at noon on December 31, 2022 to elect a chairman and vice chairman.

6.

This meeting was properly noticed pursuant to the Louisiana Open Meetings law and thus it was a lawful meeting.

7.

That all seven new council members were present and thus there was a quorum at the meeting.

8.

That the meeting was chaired by James Green who served as chairman for the year 2022.

9.

That Sec. 2 of the council rules of procedure provide that the chairman and vice-chairman of the city council shall be elected from the member by a majority vote of those present and voting, a quorum being present, at a lawful meeting of the city council.

10.

That Grayson Boucher was nominated to be the chairman.

11.

That Green requested council members who wanted Boucher as chairman raise their hands as an "aye" vote.

12.

That council members Jim Taliaferro and Gary Brooks raised their hands as an "aye" vote for Boucher as chairman.

13.

That Green did not request that members not wanting Boucher as chairman to raise their hands as a "naye" vote.

14.

Green then announced that the motion to elect Boucher as chairman failed for the lack of a majority vote.

15.

Green then called for a vote on the motion to elect himself as chairman. Four council members raised their hands as an "aye" vote. Green did not call for hands to be raised as "naye" vote.

16.

After further business the meeting was adjourned by Green and members began to leave the council chambers.

17.

Before all had left the chambers, a second meeting was called by Green to clarify the votes. This meeting was not noticed pursuant to the Louisiana Open Meetings law.

18.

The actions taken at the second meeting should be declared null and void for failure to comply with the Open Meetings law.

19.

That Sec. 3.1 of the council rules of procedure provides that resolutions may be adopted by "only a majority of those present and voting".

20.

That only "Aye" votes were cast for Boucher. There were no "naye" votes cast or recorded.

21.

That Grayson received a majority of the council members who actually voted on the motion to appoint him chairman because there were no "naye" votes taken.

22.

That as a result Grayson received 100% of those council members who were present and voting.

23.

That the city council can have a special meeting if noticed in accordance with the Open Meetings law this week to act on this issue.

24.

That the next regular meeting of the city council is Mon. Jan. 9 for its administrative conference and then on Tues. Jan. 10 for its regular meeting and action could be taken on this issue.

25.

That Settle believes and asserts that Boucher was validly elected chairman of the council.

26.

That Settle believes that absent a temporary restraining order that the council could meet and attempt to "undo" its prior vote and have Green serve as Chairman.

27.

That Settle believes and asserts that the second meeting on Dec. 31 of the council was improperly noticed and that all actions taken including any votes on the chairman are null and void.

28.

That Petitioner, Settle is entitled to the following:

- a. a court determination on the legality of the vote for Boucher as council chairman.
- b. a court determination on the subsequent vote for Green as council chairman.
- c. a court determination of who was properly elected as chairman of the council.

29.

That Settle is entitled a temporary restraining order without further notice and without bond to prohibit the Council from revoting on the council chairman.

30.

That after service the council should be ordered to show cause why a preliminary injunction should not be issued as requested by Settle.

31.

That after trial on merits that Boucher be confirmed as chairman of the council.

WHEREFORE SETTLE PRAYS that after due delays that there be a Judgment rendered by this Honorable Court against the named Defendants, CITY OF SHREVEPORT JAMES GREEN and SHREVEPORT CITY COUNCIL in determining that Grayson Boucher be confirmed as chair of council.

FURTHER PRAYS for all orders and decrees necessary for full, general and equitable relief.

JOHN E. SETTLE, JR
1915 Citizens Bank Drive
Bossier City, Louisiana 71111
(318) 742-5513

BY:

JOHN E. SETTLE, JR.
PRO SE

SERVICE INFORMATION:

City of Shreveport
through Mayor Tom Arceneaux
Government Plaza
505 Travis Street
Shreveport, Louisiana 71101

Mr. James Green
Union Mission Baptist Church
6029 Buncomb Road
Shreveport, Louisiana 71129

Shreveport City Council
through Council Clerk, Kendra Joseph
505 Travis Street
Shreveport, Louisiana 71101

JOHN E. SETTLE, JR.

CASE NO. _____

VERSUS

1st JUDICIAL DISTRICT COURT

CITY OF SHREVEPORT and
SHREVEPORT CITY COUNCIL

CADDO PARISH, LOUISIANA

AFFIDAVIT OF VERIFICATION

STATE OF LOUISIANA

PARISH OF BOSSIER

BEFORE ME, Notary Public in and for the State and Parish aforesaid, personally came and appeared JOHN E. SETTLE, JR., who, after being duly sworn, did depose and state:

That he is the Plaintiff in the foregoing proceedings. That he has read the allegations contained herein and that the allegations contained in the foregoing Petition and all the same are true and correct to the best of their knowledge, information and belief.

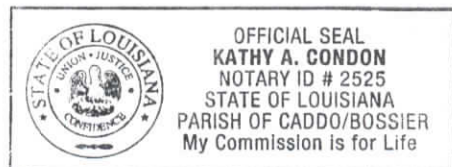


JOHN E. SETTLE, JR.

SWORN TO AND SUBSCRIBED before me, this the 3rd day of January, 2023.



NOTARY PUBLIC



JOHN E. SETTLE, JR.

CASE NO. _____

VERSUS

1ST JUDICIAL DISTRICT COURT

CITY OF SHREVEPORT, JAMES
GREEN and SHREVEPORT CITY
COUNCIL

CADDO PARISH, LOUISIANA

O R D E R

Considering the verified Petition filed herein, and the Court being satisfied from the specific facts therein appearing that immediate and irreparable injury, loss and damage will result to the Movant in the subject proceedings;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that a temporary restraining order issue herein, without bond, enjoining and restraining Defendants, CITY OF SHREVEPORT, JAMES GREEN and SHREVEPORT CITY COUNCIL from re-voting on council chairman.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants, CITY OF SHREVEPORT, JAMES GREEN and SHREVEPORT CITY COUNCIL be ruled into this Court on the ____ day of _____, 2023 at _____ o'clock a.m. to appear and show why a preliminary injunction should not issue herein enjoining and restraining Defendants, without bond, enjoining and restraining Defendants, CITY OF SHREVEPORT, JAMES GREEN and SHREVEPORT CITY COUNCIL from re-voting on council Chairman until a determination is made by this Honorable Court of the validity of the previous vote name Grayson Boucher as Council Chairman.

Shreveport, Caddo Parish, Louisiana this the _____ day of _____,
2023.

DISTRICT JUDGE