

**EIGHTEEN JUDICIAL DISTRICT COURT  
PARISH OF WEST BATON ROUGE  
STATE OF LOUISIANA**

**No. C-1051008**

**Division C**

**In Re: Public Records Request of John Summers**

**FILED:** \_\_\_\_\_

\_\_\_\_\_  
**DEPUTY CLERK**

**DEFENDANT JOHN SUMMERS' ANSWER AND RECONVENTIONAL DEMAND**

**NOW INTO COURT**, through undersigned counsel comes Defendant, John Summers, who respectfully submits the following Answer and Reconventional Demand in response to the Petition for Declaratory Judgment and For Issuance of Protective Order filed by Petitioners West Baton Rouge Parish Government (the "Parish") and West Baton Rouge Fire District No. 1 (the "Fire District") (collectively the "Petitioners").

By way of further response to the allegations set forth in Petitioners' Petition for Declaratory Judgment and For Issuance of Protective Order, Mr. Summers responds as follows:

**FIRST DEFENSE**

Any allegations which may be made in any unnumbered, prefatory, ancillary, or conclusory paragraphs are categorically denied.

**SECOND DEFENSE**

Mr. Summers gives notice that he intends to rely upon such defenses that may become available or apparent during the course of discovery and thus reserves the right to amend his Answer to assert such defenses as discovery progresses.

**THIRD DEFENSE**

As a separate and complete defense, the Petition fails to state a claim or cause of action against Mr. Summers upon which relief can be granted.

**FOURTH DEFENSE**

As a separate and complete defense, Petitioners cannot claim the cost of litigation against Mr. Summers, as such costs are only provided for individuals requesting documents under La. R.S. 44:35.

**ANSWER TO PETITION FOR DECLARATORY JUDGMENT AND FOR  
ISSUANCE OF PROTECTIVE ORDER**

1.

The allegations of Paragraph 1 are legal conclusions to which no response is necessary. To the extent a response is necessary, the allegations of Paragraph 1 are admitted.

2.

The allegation of Paragraph 2 that the Fire District provides coverage to approximately 35,000 citizens is denied due to a lack of information sufficient to form a belief therein. Otherwise, the allegations of Paragraph 2 are admitted.

3.

The allegations of Paragraph 3 are legal conclusions to which no response is necessary. To the extent a response is necessary, the allegations of Paragraph 3 are denied.

4.

The allegations of Paragraph 4 are admitted.

5.

The allegations of Paragraph 5 are denied.

6.

The allegations of Paragraph 6 are admitted.

7.

The allegations of Paragraph 7 are admitted.

8.

The allegations of Paragraph 8 are denied due to a lack of information sufficient to form a belief therein.

9.

The allegations of Paragraph 9 are admitted to the extent that Mr. Summers sent a public records request to the Fire District on July 28, 2025. Otherwise, the allegations of Paragraph 9 are denied.

10.

The allegation of Paragraph 10 that the fee is nominal is denied. Otherwise, the allegations of Paragraph 10 are admitted.

11.

The allegations of Paragraph 11 are admitted.

12.

The allegations of Paragraph 12 are admitted.

13.

The allegations of Paragraph 13 are admitted.

14.

The allegations of Paragraph 14 are admitted.

15.

The allegations of Paragraph 15 are admitted.

16.

The allegations of Paragraph 16 are admitted.

17.

The allegations of Paragraph 17 are admitted to the extent that on January 29, 2026, the Fire District, through Chief Browning, advised Mr. Summers regarding the \$83 fee for his July 2025 request. Otherwise, the allegations of Paragraph 17 are denied.

18.

The allegations of Paragraph 18 are admitted.

19.

The allegations of Paragraph 19 are admitted.

20.

The allegations of Paragraph 20 are denied.

21.

The allegations of Paragraph 21 are admitted.

22.

The allegations of Paragraph 22 are denied.

23.

The allegations of Paragraph 23 are legal conclusions to which no response is necessary. To the extent a response is required, the allegations are denied.

24.

The allegations of Paragraph 24 are legal conclusions to which no response is necessary. To the extent a response is necessary, the quotation from the Louisiana Constitution speaks for itself.

25.

The allegations of Paragraph 25 are legal conclusions to which no response is necessary. To the extent a response is necessary, the cited decision from the Louisiana Supreme Court speaks for itself.

26.

The allegations of Paragraph 26 are legal conclusions to which no response is necessary. To the extent a response is necessary, the cited Louisiana court decisions speak for themselves.

27.

The allegations of Paragraph 27 are legal conclusions to which no response is necessary. To the extent a response is necessary, the cited statute speaks for itself.

28.

The allegations of Paragraph 28 are legal conclusions to which no response is necessary. To the extent a response is necessary, the cited Louisiana court decisions speak for themselves.

29.

The allegations of Paragraph 29 are legal conclusions to which no response is necessary. To the extent a response is necessary, the allegations are denied.

30.

The allegations of Paragraph 30 are legal conclusions to which no response is necessary. To the extent a response is necessary, the quoted statute speaks for itself.

31.

The allegations of Paragraph 31 are legal conclusions to which no response is necessary. To the extent a response is necessary, the quoted statute speaks for itself.

32.

The allegations of Paragraph 32 are legal conclusions to which no response is necessary. To the extent that a response is necessary, the quotations speak for themselves.

33.

The allegations of Paragraph 33 are denied.

34.

The allegations of Paragraph 34 are legal conclusions to which no response is necessary. To the extent that a response is necessary, the citation speaks for itself.

35.

The allegations of Paragraph 35 are legal conclusions to which no response is necessary. To the extent that a response is necessary, the quoted statute speaks for itself.

36.

The allegations of Paragraph 36 are denied.

37.

The allegations of Paragraph 37 are denied.

38.

The allegations of Paragraph 38 are denied.

**RECONVENTIONAL DEMAND**

AND NOW, assuming the position of Plaintiff-in-Reconvention, John Summers (“Mr. Summers”) avers the following:

1.

Made Defendants-in-Reconvention are West Baton Rouge Parish Government, a political subdivision of the State of Louisiana, and West Baton Rouge Fire District No. 1, a political subdivision of the State of Louisiana (hereinafter the “Parish” and the “Fire District” and together the “Defendants”).

2.

All paragraphs of the preceding Answer are hereby incorporated into this Reconventional Demand.

3.

Mr. Summers is editor of the West Baton Rouge Independent (the “WBR Independent”), a news website he started in May 2025 to report on issues of public concern in West Baton Rouge Parish including, but not limited to, public safety and emergency services, community events, and local news.

4.

Mr. Summers started the WBR Independent to cover the Parish and towns therein after other newspapers in the area closed.<sup>1</sup>

5.

As at many independent startup news outlets, Mr. Summers is not only the publisher, but also serves as the editor and reporter, in which capacity he makes public records requests and interviews subjects.

6.

As part of his reporting, like many journalists, Mr. Summers submits public records requests to local agencies, including the Parish and Fire District.

#### **Mr. Summers’ Public Records Requests**

7.

On July 28, 2025, Mr. Summers made a public records request (the “July Request,” attached hereto as Exhibit 1) to the Fire District for its financial documents, budget and planning documents, operational reports, contracts, and agreements.

8.

On July 30, 2025, the Ingram Law Firm, on behalf of the Fire District, sent a letter to Mr. Summers (attached hereto as Exhibit 2), acknowledging the July Request and noting that hundreds

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<sup>1</sup> See e.g., Haley Miller, *The West Side Journal in Port Allen closes after 88 years*, THE ADVOCATE, (Oct. 30, 2024) <https://bit.ly/4u2g9Xb>.

of responsive records may exist. The letter also suggested that it could cost more than \$1,500 to cover overtime for the Fire District to respond to the request, but the agency was unable to provide a realistic estimate as to the costs associated with production.

9.

The Fire District never asked for an advanced deposit or asked Mr. Summers to narrow the July Request. There was no further communication between Mr. Summers and Defendants regarding the July Request.

10.

On August 19, 2025, Deanna Fourroux of the Parish informed Mr. Summers that the records responsive to the July Request were ready for electronic delivery, and subject to a fee of \$83. There was no explanation for how this fee was calculated.

11.

Mr. Summers, uncertain as to the basis for the fee and why the cost was dramatically reduced from the original estimate, advised that he would seek legal counsel before paying and obtaining the records.

12.

Mr. Summers never received the records subject to the July request.

13.

Mr. Summers did not publish a story on the Fire District's revenue at that time because he never received any records responsive to the July Request.

14.

On January 26, 2026, following a fire in Erwinville, Mr. Summers sent a public records request for information related to the fire (the "January Request" attached hereto as Exhibit 3). Specifically, he requested the following records related to the fire:

1. GPS logs and/or AVL (Automated Vehicle Location) data for all responding units
2. Incident report/fire report
3. Personnel roster showing which firefighters/units responded to this incident

4. Duty roster showing all firefighters on shift at the time of the call (5:17 am)
5. Station staffing levels for all WBR Fire stations at the time of the call
6. Total number of firefighters (paid and volunteer) on duty parish-wide at time of dispatch

15.

The Fire District promptly provided copies of almost all of the records responsive to the January Request within 3 days, after Mr. Summers remitted payment of \$46.50. One week later, after finalizing the requested fire incident report, the Fire District provided a copy of the report, thereby completing its response to Mr. Summers' January Request.

16.

The Fire District never objected to the January Request as overly broad nor asked for additional time to redact the records for exempt information.

17.

On March 9, 2026, after a warehouse fire in Port Allen, Mr. Summers sent a public records request (the "First March Request," attached hereto as Exhibit 4) via email to the Fire District for records substantially similar to what he requested and received in connection with the January Request. Specifically, in the First March Request, Mr. Summers requested electronic copies of the following records:

1. GPS logs and/or Automated Vehicle Location ("AVL") for all responding units
2. Incident report/fire report
3. Personnel roster showing which firefighters/units responded to this incident
4. Duty roster showing all firefighters on shift at the time of dispatch
5. Station staffing levels for all WBR Fire stations at the time of dispatch
6. Total number of firefighters (paid and volunteer) on duty parish-wide at time of dispatch
7. Mutual aid requests, if any— including requesting agency, responding agency, and times.

18.

On March 12, 2026, Chance Stephens, Director of Finance for West Baton Rouge Parish, responded and stated that the AVL and staffing records were complete, and copies would cost \$121.50, or \$.50 for 218 pages of documents. Mr. Stephens further explained that the requested fire report was estimated to be completed and available by March 17, 2026.

19.

Mr. Summers, via email, objected to the charge for the AVL logs and staffing rosters, noting that the records were already in electronic format; Mr. Summers asked to inspect the electronic records in person in lieu of receiving hard copies. (Exhibit 4, p. 6-7)

20.

On March 18, 2026, Mr. Summers submitted a public records request (the “Second March Request,” attached hereto as Exhibit 5) to the Fire District for records related to a meeting about a March 7, 2026, warehouse fire. Specifically, he requested the following records:

1. The full, unedited video recording of the debrief meeting, including all portions not published to the West Baton Rouge Fire Department’s public Facebook page
2. Any agenda, outline, or written materials distributed or presented during the meeting
3. Attendance records or sign-in sheets for the meeting
4. Any after-action report incident review, or written summary produced in connection with this meeting or the March 7, 2026, incident.

21.

On March 19, 2026, Mr. Summers paid \$4 in cash for a copy of the fire report and restated via email that he objected to the \$121.50 fee for physical copies of the AVL and staffing records responsive to his First March Request. He asked the Fire District to identify a time in which Mr. Summers could inspect the records in person.

22.

Before Mr. Summers received a response to his Second March Request and before he was able to inspect the records responsive to his First March Request, Mr. Stephens sent Mr. Summers a copy of this lawsuit filed against him and advised Mr. Summers via email that Defendants “will

not be responding to the...request sent on March 18th, nor will we be responding to any new Public Records request until an official court ruling is made.” *See* Exhibit 5.

23.

Although they have purported to do so, Defendants cannot legally prohibit Mr. Summers from making public records requests to Defendants.

24.

Lawsuits such as this one, filed by Defendants, have a substantial chilling effect on the public’s exercise of the constitutional and statutory rights of access to the records of their government.

25.

Defendants’ refusal to respond to Mr. Summers’ public records requests is an arbitrary and capricious denial of the public’s right to access records.

#### **Applicable Law**

26.

The Louisiana Constitution guarantees that “[n]o person shall be denied the right to observe deliberations of public bodies and examine public documents, except in cases established by law.” La. Const. art. XII, § 3.

27.

In addition, “[p]roviding access to public records is a responsibility and duty of the appointive or elective office of a custodian and his employees.” La. R.S. 44:31(A).

28.

The Louisiana Public Records Law (the “PRL”) provides that any person of the age of majority “may inspect, copy or reproduce any public record” or “obtain a copy or reproduction of any public record.” La. R.S. 44:31(B)(1)-(2).

29.

A custodian cannot charge any fees to requestors “to examine or review any public records” or “for examination or review to determine if a record is subject to disclosure, except as may be determined by a court of competent jurisdiction.” La. R.S. 44:32(C)(3).

30.

A custodian of public records has five days, exclusive of Saturdays, Sundays, and legal public holidays, to produce public records. La. R.S. 44:35(A).

31.

If a custodian reasonably determines that the request would substantially disrupt required governmental operations, the custodian may deny access only after reasonable attempts to narrow or specify the request with the requestor. La. R.S. 44:32(A)(2).

32.

The PRL provides that any person who is denied the right to inspect or copy a record “either by determination of the custodian or by passage of five days ... may institute proceedings for the issuance of a writ of mandamus, injunctive or declaratory relief, together with attorney fees, costs and damages as provided by this Section, in the district court for the parish in which the office of the custodian is location.” La. R.S. 44:35(A).

33.

The Louisiana Supreme Court has explained that the PRL “should be construed liberally in favor of free and unrestricted access to public documents... 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[.]” *Shane v. Par. of Jefferson*, 2014-2225, p. 9 (La. 12/8/2015), 209 So. 3d 726, 735.

34.

A requestor who brings a lawsuit to enforce their rights under the PRL or defends against an action brought by a public body or official and prevails in the lawsuit shall be awarded reasonable attorney fees and other costs of litigation. *See* La. R.S. 44:35(D)(1)-(2).

35.

The PRL does not provide for the recovery of attorney fees by public bodies or officials that litigate disputes over public records requests. *Cf.* La. R.S. 44:35(D)(2).

36.

Defendants’ refusal to allow Mr. Summers to inspect the records subject to the First March Request is a violation of La. R.S. 44:32(A).

37.

Defendants' denial of access, without first making reasonable attempts to narrow or specify the First March Request, is a violation of La. R.S. 44:32(A)(2).

38.

Moreover, Defendants' failure to properly respond to the July Request, the First March Request, and the Second March Request before filing suit against him is an arbitrary and capricious denial of public records, and Mr. Summers is entitled to actual damages and civil penalties. La. R.S. 44:35(E).

**WHEREFORE**, in consideration of the above Reconventional Demand, pursuant to La. R.S. 44:1 *et seq.*, John Summers, Plaintiff-in-Reconvention, respectfully asks that this Honorable Court:

- (a) Issue a writ of mandamus directing Defendants to allow Mr. Summers to inspect the records responsive to his First March request in person and respond to his Second March request;
- (b) Enter an order enjoining Defendants from refusing to respond to Mr. Summers' public records requests;
- (c) Award Mr. Summers reasonable attorneys' fees and costs pursuant to La. R.S. 44:35(D);
- (d) Award Mr. Summers damages and civil penalties pursuant to La. R.S. 44:35(E); and
- (e) Award Mr. Summers any other legal and equitable relief as to which they are entitled.

Respectfully submitted,

/s/ Virginia M. Hamrick  
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**Certificate of Service**

I hereby certify that I have served a copy of the foregoing pleading to all parties, through their counsel of record by email on April 21, 2026.

/s/ Virginia M. Hamrick  
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