

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

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**DEPUTY CLERK**

**MEMORANDUM IN OPPOSITION TO PETITIONERS' PETITION FOR  
DECLARATORY JUDGMENT AND FOR ISSUANCE OF PROTECTIVE ORDER**

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Defendant John Summers, through undersigned counsel, respectfully submits this memorandum in opposition to the Petition for Declaratory Judgment and For Issuance of Protective Order filed by West Baton Rouge Parish Government and West Baton Rouge Fire District No. 1. This lawsuit is simply an attempt to avoid complying with their legal obligation to fulfill Mr. Summers' lawfully filed public records requests. Petitioners' request for declaratory relief and a protective order should be denied.

### INTRODUCTION

The right of access to the records of government is of such importance that it is safeguarded in the Louisiana Constitution. *See* La. Const. art. XII, § 3. By enacting the Public Records Law (the "PRL"), the legislature sought to guarantee, "in the most expansive and unrestricted way possible," the right to inspect and reproduce public records. *Shane v. Par. of Jefferson*, 2014-2225, p. 9 (La. 12/08/2015), 209 So. 3d 726, 734. The law is intended to keep the public reasonably informed about how public bodies conduct their business and how the affairs of government are handled. *City of Baton Rouge/Par. of E. Baton Rouge v. Cap. City Press, LLC*, 2007-1088, p. 15 (La. App. 1 Cir. 10/10/2008), 4 So.3d 807, 817.

Mr. Summers was exercising this right to access public records when he was sued by West Baton Rouge Parish Government (the "Parish") and West Baton Rouge Fire District No. 1 (the "Fire District" and together with the Parish, the "Petitioners"). As explained more fully below, the law does not support a declaratory judgment, and Petitioners' request for a protective order has no grounding in the law whatsoever. In addition, Petitioners seek an order for the imposition of fees for their mandatory compliance with the PRL. There is no support for reimbursement either under the PRL or the facts alleged in the Petition. Finally, without any legal support, Petitioners purport to seek attorneys' fees and litigation costs from Mr. Summers for defending against this lawsuit—a remedy that is not authorized under the PRL and is likely a calculated tactic to dissuade Mr. Summers from making future requests. The issuance of any of the requested relief would only serve to chill Mr. Summers and others from seeking public records and reporting on the actions of their government; indeed, that appears to be the very end Petitioners are hoping for in filing this lawsuit.

Mr. Summers respectfully requests that this Court deny Petitioners' requests for declaratory relief and protective order, order Petitioners to make the requested records available for inspection, produce the records sought and award Mr. Summers attorneys' fees, costs and penalties.

## FACTUAL BACKGROUND

In May 2025, Mr. Summers started the West Baton Rouge Independent (“WBR Independent”) and began reporting on a range of topics in West Baton Rouge Parish from public safety and emergency services to high school sports.<sup>1</sup> Mr. Summers launched WBR Independent after the closure of newspapers in the area, and it is one of the only outlets exclusively covering the Parish.<sup>2</sup> As is common at many independent investigative publications, Mr. Summers regularly engages in both reporting and editing work to cover the West Baton Rouge community.

As part of his reporting, Mr. Summers attends public meetings and makes public records requests to local agencies, including the Parish, Fire District and West Baton Rouge Parish School Board. Public records are foundational to WBR Independent’s reporting.<sup>3</sup> From May 2025 to present, over the course of approximately 11 months, Mr. Summers made a total of around fourteen public records requests, including seven to the Petitioners. Each of these requests was sent on behalf of WBR Independent from Mr. Summers’ email associated with the news outlet.

### A. The July Request

On July 28, 2025, Mr. Summers asked the Fire District for financial documents, budget and planning documents, operational reports, contracts, and agreements (the “July Request”).<sup>4</sup> As Mr. Summers explained in his request, he sought this information to understand and inform the public on the costs incurred by the Fire District when responding to individual emergency management calls. Then, on July 30, 2025, Ingram Law Firm, on behalf of the Fire District, acknowledged Mr. Summers’ request, noting that there could be hundreds or even thousands of potentially responsive documents, and that exemptions may apply.<sup>5</sup> The letter further stated that, due to the size of the request, responding to the request could cost more than \$1,500 to pay Fire District staff overtime, but the agency was unable to provide a realistic estimate as to the costs associated with the production.<sup>6</sup> The Fire District did not ask for an advanced deposit to move

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<sup>1</sup> See e.g., WEST BATON ROUGE INDEPENDENT, <https://perma.cc/XYU2-YUM7> (last visited Mar. 31, 2026).

<sup>2</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>.

<sup>3</sup> WEST BATON ROUGE INDEPENDENT, About <https://perma.cc/8KE7-FJ3N> (last visited Mar. 31, 2026) (“Our reporting is built on official public records, government documents, meeting recordings, and verified sources. We pull everything from the public record and document our sources transparently.”)

<sup>4</sup> Exhibit 1, p. 4, Summers’ July Public Records Requests.

<sup>5</sup> Exhibit 2, Ingram Law Group Letter to Summers, July 30, 2025.

<sup>6</sup> Exhibit 2, Ingram Law Group Letter to Summers, July 30, 2025.

forward with the request or ask Mr. Summers to narrow his request or more explicitly specify the records he was seeking.

On August 19, 2025, Deanna Fourroux informed Mr. Summers that the records responsive to his July Request were ready for electronic delivery, subject to Mr. Summers' payment of a fee of \$83.<sup>7</sup> Uncertain of the justification for the fee—or why it had been reduced so dramatically from what was originally quoted to him—Mr. Summers advised that he would seek legal counsel before paying for and obtaining the records. He never heard anything else from Petitioners on that issue, and, critically, he never received the records responsive to the July Request. Because he never obtained records related to the Fire District's finances, revenue, budget and planning, he had to stop pursuing a story on the Fire District's revenue.

### **B. The January Request**

Following a structure fire in Erwinville on January 24, 2026, Mr. Summers submitted a request (the "January Request") for 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

The Fire District provided almost all the records responsive to the January Request within 3 days, charging a fee of \$46.50.<sup>8</sup> The next week, after completing the fire incident report, the Fire District provided the report for a fee of \$7.<sup>9</sup> Mr. Summers promptly paid for and received the records. Petitioners never objected to the request as unduly burdensome.

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<sup>7</sup> Exhibit 1, p. 1, Summers' July 2025 Public Records Request.

<sup>8</sup> Exhibit 3, p. 4, Summers' January 24, 2026 Public Records Request.

<sup>9</sup> Exhibit 3, p. 9, Summers' January 24, 2026 Public Records Request.

### C. The March Requests

On March 9, 2026, after a warehouse fire in Port Allen, Mr. Summers sent a public records request (the “First March Request”) via email to the Fire District for the following records in an electronic format:

1. GPS logs and/or Automated Vehicle Location (“AVL”) for all responding units
2. The 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.<sup>10</sup>

On March 12, 2026, Chance Stephens, Director of Finance for West Baton Rouge Parish, responded by email, stating that the requested AVL and staffing records were complete and ready for production, and that copies would cost \$121.50 (\$.50/page for 218 pages of documents).<sup>11</sup> Mr. Stephens further explained that the requested fire report was to be completed and available by around March 17, 2026. Mr. Summers objected to the fee for AVL logs and staffing rosters, explaining that the records already existed in an electronic format; he asked to instead inspect the electronic records in person.<sup>12</sup> Mr. Summers followed up with the Parish by email, and noted that the Parish had provided physical copies of electronic records in response to a previous request. To better understand the Parish’s proposed charges, he also asked:

1. Whether the AVL and staffing records responsive to my March 9, 2026 request will be delivered as native digital exports or as scanned printouts of digital files.
2. If native digital exports, the actual cost to the agency of producing and transmitting those files electronically.
3. If the parish intends to again print and rescan native digital records before delivery, the written justification for that workflow

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<sup>10</sup> Exhibit 4, p. 1, Summers’ March 9, 2026 Public Records Request.

<sup>11</sup> Exhibit 4, p. 1, Summers’ March 9, 2026 Public Records Request.

<sup>12</sup> Exhibit 4, p. 6–7, Summers’ March 9, 2026 Public Records Request.

and the statutory authority for charging per-page fees for the resulting scanned images.<sup>13</sup>

On March 20, 2026, Mr. Summers paid for a copy of the fire report and clarified that he maintained his objection to the \$121.50 fee for copies of the AVL and staffing records. At this time, Mr. Stephens responded to Mr. Summers' email regarding fees and claimed that the Louisiana PRL did not require it to list fees for the transmission of electronic copies in its posted fee schedule, and that per-page fee for copies of all records was the same whether transmitted in electronic or hard-copy form.<sup>14</sup> Mr. Summers asked to inspect the records in person rather than receive printed-out copies.<sup>15</sup> Before he could inspect the records in person, the Parish initiated this lawsuit.

Around this same time, the West Baton Rouge Fire District held a post-incident debrief meeting regarding the warehouse fire and posted portions of a video recording of the meeting on its Facebook page. After seeing the video of the meeting, on March 18, 2026, Mr. Summers submitted a public records request (the "Second March Request") to learn more about the meeting. Specifically, he requested:

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.<sup>16</sup>

#### **D. This Lawsuit**

Just two days later, on March 20, 2026, rather than responding to the Second March Request, Mr. Stephens provided a copy of this underlying lawsuit and advised via e-mail that Petitioners would not respond to the Second March Request nor **any new** public records requests until an official court ruling on the lawsuit.<sup>17</sup> The lawsuit improperly seeks a protective order pursuant to La. C.C.P. art. 1426(A)—a statute that governs discovery disputes and not public records requests—staying the Fire District's clear obligations to respond to any pending or further

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<sup>13</sup> Exhibit 4, p. 7–8, Summers' March 9, 2026 Public Records Request.

<sup>14</sup> Exhibit 4, p. 10, Summers' March 9, 2026 Public Records Request.

<sup>15</sup> Exhibit 4 p. 12, Summers' March 9, 2026 Public Records Request.

<sup>16</sup> Exhibit 5, p. 2, Summers' March 20, 2026 Public Records Request.

<sup>17</sup> Exhibit 5, p. 1, Summers' March 20, 2026 Public Records Request (emphasis added).

public records requests. Petitioners also request a laundry list of multiple impermissible declaratory judgments, including an order that Mr. Summers' purported failure to pay the outstanding fees for the First March Request bars his ability to seek additional public records; an order as to whether the Petitioners are able to charge a per page cost for documents if Petitioners elect to print and review electronic records before production; an order setting a reasonable fee for Petitioners to prepare Mr. Summers' public records request; an order allowing Mr. Summers to review the requested records after hours and requiring Mr. Summers to pay an advance deposit for such review; an order that Petitioners' fee schedule for copies of public records is reasonable and does not violate the PRL; an order that Petitioners acted in good faith in attempting to address Mr. Summers' public records requests; and an order that Mr. Summers reimburse Petitioners for all fees and expenses they have incurred in the prosecution of this action. Pet., ¶¶ 23, 37–38. None of these remedies is permissible under the PRL.

Mr. Summers has continued to report for the WBR Independent by attending or watching public meetings, including the Port Allen City Council, and by obtaining records from other agencies. But he has been wrongfully barred from accessing public records from the Parish and Fire District, to which he is entitled under state constitutional and statutory law. This lawsuit is an egregious attempt to silence Mr. Summers and deter him from making records requests. Petitioners' request for declaratory relief is premature, wholly unwarranted and a waste of judicial resources. Mr. Summers is entitled to attorneys' fees, costs, and arbitrary and capricious penalties in response to this proceeding.

## **LAW AND ARGUMENT**

### **I. A PROTECTIVE ORDER IS UNWARRANTED.**

Petitioners' improper and baseless request for a protective order staying the Fire District's obligation to respond to all pending and any further public records requests gives away the game: this lawsuit is a transparent effort to silence Mr. Summers' reporting on the Parish and to chill his newsgathering efforts.

There is no basis in the law for issuing a protective order, regardless of Petitioners' intent. Petitioners inexplicably ask this court for a protective order pursuant to La. C.C.P. art. 1426(A), which authorizes a court, upon a motion by a party or person against whom *discovery* is sought in civil litigation, to issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense of discovery. La. C.C.P. art. 1426(A) (emphasis added).

But Mr. Summers has not sought any discovery from the Petitioners; he has made requests for public records pursuant to the Louisiana PRL. Devices to limit civil discovery have no relevance here.

Moreover, the Louisiana Supreme Court has ruled that a protective order cannot be used to deny access to public documents. *See Copeland v. Copeland*, 2007-0177, p. 7 (La. 10/16/2007), 966 So. 2d 1040, 1046 (ruling that La. C.C.P. art 1426 does not apply to motions to seal documents contained in a court’s public record). Because the standard for a protective order in litigation is relatively low compared to denying access to public records, a “claim of ‘annoyance, embarrassment, oppression, or undue burden or expense’ is not enough to overcome the public’s right of access to public records.” *Id.* Simply put, the Louisiana Code of Civil Procedure’s limitations on the scope of discovery do not provide any mechanism for Petitioners to avoid their obligations under the PRL and deny Mr. Summers his constitutional right of access.

Petitioners’ request for protective order is an obvious effort at an end run around the obligations imposed by the PRL and prevent Mr. Summers from obtaining public information to which he is legally entitled. The request for protective order is meritless and should be denied.

## **II. PETITIONERS’ REQUESTED RELIEF IS CONTRARY TO THE PUBLIC RECORDS LAW.**

Mr. Summers plainly has the right to access records of the Parish and Fire District; the declaratory relief Petitioners seek is unsupported under the law and the facts alleged in the Petition.

### **A. Applicable Legal Standards**

#### **1. Standard for granting declaratory relief.**

Louisiana Code of Civil Procedure article 1871 authorizes courts to “declare rights, status, and other legal relations whether or not further relief is or could be claimed.” La. C.C.P. art. 1871. The purpose of declaratory relief is to “settle and afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations[.]” La. C.C.P. art. 1881. A person is entitled to declaratory relief only when his rights are uncertain or disputed in an immediate and genuine situation, and the declaratory judgment will remove the uncertainty or terminate the dispute. *Goodwin v. City of Mandeville*, 2018-1118, p. 708 (La. App. 1 Cir. 5/31/2019), 277 So. 3d 822, 828 (citations omitted).

Critically, to grant declaratory relief, there must be “a concrete, justiciable controversy framing the facts to avoid the rendering of an advisory opinion.” *Id.* (citing *Peterson v. La. Public Serv. Comm’n*, 94-2478 (La. App. 1 Cir. 10/6/1995), 671 So. 2d 460, 461). A justiciable

controversy means an existing actual and substantial dispute, rather than a hypothetical, abstract, or moot one. *Id.* A court cannot grant declaratory relief if the issue presented is academic, theoretical, or based on a contingency that may not arise. *Purpera v. Robinson*, 2020-0815, p. 7 (La. App. 1 Cir. 2/19/2021), 320 So. 3d 425, 430.

As detailed further below, Petitioners' requested relief lacks factual and legal support and is unwarranted.

## **2. Constitutional and statutory right of access to public records.**

The Louisiana Constitution provides that “[n]o person shall be denied the right to...examine public documents, except in cases established by law.” La. Const. art. XII, § 3. The Louisiana Supreme Court has reiterated that the constitutional right of access must be

construed liberally in favor of free and unrestricted access to the records, *and that access can be denied only when a law, specifically and unequivocally, provides otherwise.* *Id.* 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*, 2007-1853, p. 24–25 (La. 7/1/2009), 15 So. 3d 972, 989, quoting *Cap. City Press v. E. Baton Rouge Par. Metro. Council*, 96-1079, p. 4 (La. 7/1/1997), 696 So. 2d 562, 564 (emphasis in original) (further quotations omitted). Further, the legislature enacted the Louisiana Public Records Act, La. R.S. 44:1, *et seq.*, to ensure the right of public access in the most expansive and unrestricted way possible. *Title Rsch. Corp. v. Rausch*, 450 So. 2d 933, 937 (La. 1984). The law is intended to ensure that public business is subject to public scrutiny. *Henderson v. Bigelow*, 2007-1441, p. 11 (La. App. 4 Cir. 4/9/2008), 982 So. 2d 941, 947. Providing access to public records is the responsibility and duty of the appointive or elective office of custodians and their employees. La. R.S. 44:31(A).

Any person of the age of majority may inspect, copy, reproduce, or obtain copies of any public record. La. R.S. 44:31(B). If records are immediately available, the custodian must present the responsive records immediately. La. R.S. 44:33(B)(1). While records generally must be made available immediately, reasonable delay may be justified to compile, review, and, when necessary, redact or withhold certain records that are not subject to production. *Par. of Ascension v. Wesley*, 2019-0364, p. 5 (La. App. 1 Cir. 12/12/2019), 291 So. 3d 730, 733. When such additional time is needed, the custodian must, within five days of the request, provide a written estimate of time needed to collect, segregate, redact, examine or review records requests. *See* La. R.S. 44:35(A). If a custodian reasonably determines that a request will substantially disrupt required government

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) (emphasis added).

Any person who has been denied the right to inspect, copy, reproduce, or obtain a copy of the records may seek mandamus, injunctive or declaratory relief. La. R.S. 44:35(A). If a person seeking to enforce the PRL prevails in such lawsuit, the requestor may be awarded reasonable attorneys' fees and costs. La. R.S. 44:35(D)(1). Similarly, if a public body or official brings a suit against a requestor, and the requestor prevails in the suit, the requestor, must be awarded attorneys' fees and costs. La. R.S. 44:35(D)(2). There is no provision that allows the public body to recover fees under the law. Finally, if a court finds that the custodian arbitrarily or capriciously withheld the requested record or unreasonably or arbitrarily failed to respond to the request, it may award the requestor actual damages and civil penalties. La. R.S. 44:35(E)(1).

The PRL allows records requestors to choose between four options to access records: inspect the records, copy the records, reproduce the records, or obtain from the custodian a reproduction of the records. La. R.S. 44:31(B); *see also All. for Affordable Energy v. Frick*, 96-1763 (La. App. 4 Cir. 5/28/1997), 695 So. 2d 1126, 1136. Courts have explained that the statute clearly and unambiguously grants alternative rights, and "the choice of which optional right to exercise rests with the one requesting the records and not with the custodian." *All. for Affordable Energy*, 695 So. 2d at 1136 (quoting *Title Rsch. Corp.*, 450 So. 2d at 937). In addition, the custodian must "provide sufficient facility and comfort to allow the public to exercise its right of access and must not discourage any person." *Id.*

If a requestor chooses to inspect or copy the records, the requestor may make copies of the responsive records at their own expense. *See e.g., id.* (allowing requestor to bring personal copier to custodian's office); *First Commerce Title Co., Inc., v. Martin*, 38,903 (La. App. 2 Cir. 11/17/2004), 887 So. 2d 716 (permitting requestor to use hand-held scanner at clerk of court's office); *Cummings v. Kempf*, 570 So. 2d 133 (La. App. 3 Cir. 1990) (allowing requestor to install his own copy machine at clerk's office). The PRL provides that examination of records must occur during regular office or working hours "unless the custodian shall authorize examination of records in other than regular office or working hours." La. R.S. 44:32. Louisiana courts have recognized that examination of records cannot be so burdensome as to interfere with the operation of the custodian's constitutional and legal duties. *All. for Affordable Energy*, 695 So. 2d at 1136. However, "an order by the custodian requiring after hour examination is subject to strict scrutiny

and will be allowed when the request is of such a magnitude that it disrupts normal office procedure to the point where **the office ceases to operate**[.]” *Id.* (quoting 1980-81 La. Op. Att’y Gen. 181, No. 81—615 (1981)) (emphasis added).

If the requestor elects to receive copies of the records, a custodian must produce copies of records in an electronic format when possible. For instance, The Third Circuit ruled that custodians must provide electronic records on a CD, DVD, or flash drive, reasoning that to allow governments “to create such voluminous records using information technology and then deny the use of the same technology to the public reviewing those records would strike directly at the heart of the public’s fundamental right of access[.]” *Johnson v. City of Pineville*, 2008-1234 (La. App. 3 Cir. 4/8/2009), 9 So. 3d 313, 319. Further, the *Johnson* court opined that to “reproduce 13,000 emails on paper, when other safe, efficient, and reasonable means are available, is unnecessarily laborious, costly and wasteful, and conflicts with the legislative intent of making public records as available as possible.” *Id.*; see also *St. Tammany Par. Coroner v. Doe*, 2010-0946 (La. App. 1 Cir. 10/29/2010), 48 So. 3d 1241, 1246 (adopting reasoning of *Johnson* decision and affirming order requiring custodian to produce emails in electronic format).

In addition, if a requestor elects to receive copies of records, the PRL provides that a custodian may establish and collect “reasonable” fees for “making copies of public records, which may include the transmission of electronic copies of public records.” La. R.S. 44:32(C)(1)(a). If a custodian chooses to charge such fees, the custodian must “establish a reasonable fee schedule and post the schedule where it can be readily accessed by the public.” *Id.*

This provision of the PRL allowing a custodian to collect fees for the transmission of electronic copies was added in 2022, and there is little judicial interpretation or guidance from the Attorney General’s Office on what constitutes “reasonable fees” for the electronic transmission of public records. Nonetheless, this amendment plainly does not allow requestors to profit for the time spent transmitting electronic copies of records. As explained above, providing copies of records by electronic transmission is a part of a custodian’s duties, and the PRL is not intended to allow an agency to recover costs incurred in preparing responsive records or making copies of records. See La. Op. Att’y Gen. No. 15-0056 (Oct. 8, 2015); La. Op. Att’y Gen. No. 96-79 (Mar. 8, 1996). Further, prior to this amendment, courts have been clear that what constitutes reasonable fees turns on the facts and circumstances of each individual request and must be supported by sufficient evidence. *Granger v. Litchfield*, 94-0114, p. 4 (La. App. 1 Cir. 11/10/1994), 645 So. 2d

1262, 1265, *rev'd in part*, 94-3107 (La. 2/3/1995), 649 So. 2d 397. The mere transmission of electronic records does not justify imposing the same per-page fee for making physical copies of records.

The PRL generally prohibits a custodian from charging any person for the custodian's time spent reviewing or examining public records, or determining if records are subject to disclosure, "except as determined by a court of competent jurisdiction." La. R.S. 44:32(C)(3) ("No fee shall be charged to any person to examine or review any public records, except as provided in this Section, and no fee shall be charged for examination or review to determine if a record is subject to disclosure, except as may be determined by a court of competent jurisdiction."). A fee may be imposed only where a request is **extraordinary** in some manner. *Wesley*, 291 So. 3d at 734. Mere inconvenience is not enough to justify a citizen to pay for a constitutional guarantee. *See* La. Op. Att'y Gen. No. 17-0056 (Apr. 2, 2018). This is because custodians of public records are already compensated for performing their duties, including the duty of responding to public records requests. *Wesley*, 291 So. 3d at 733. The law is not intended to allow governmental agencies to seek reimbursement for costs incurred in preparing records for production to requestors. *See* La. Op. Att'y Gen. No. 15-0056 (Oct. 8, 2015).

**B. Petitioners' Declaratory Judgment Claims Are Unsupported by the PRL**

Petitioners ask this Court to grant declaratory relief on a variety of issues. At bottom, however, all of their claims are geared towards allowing them to impose potentially prohibitive fees on public records requestors like Mr. Summers—and to then use the pendency of those fees to justify their refusal to comply with their basic obligations under the PRL. None of their arguments have merit, and the Court should reject each of Petitioners' declaratory judgment claims.

**1. Petitioners may not claim an "outstanding balance" for records that were never provided to Mr. Summers**

Petitioners seek a declaratory judgment that Mr. Summers' purported failure to pay the outstanding fee for the First and Second March Requests bars him from seeking additional public records, until he satisfies the outstanding balance. Pet., ¶ 23(A). This claim is unsupported by the facts and the law and should be denied.

The PRL provides that a records custodian must provide copies of public records to persons so requesting, "unless the requestor fails to pay the applicable copying fees after being notified of the amount in advance of production or the requestor has an outstanding balance from a prior request." La. R.S. 44:32(C)(1)(a). But this provision does mean that a records custodian can

decline to produce responsive records if the “outstanding balance” pertains to amounts the requester was not actually obligated to pay in the first place. In particular, as explained below, a public body may charge a requestor a reasonable fee to *receive copies* of requested records; but the obligation to pay that fee only kicks in if the requestor actually receives the records. Where, as here, a requestor decides not to proceed with receipt of the copies—whether because of the size of the fee or for any other reason—there is no “balance” at all, and therefore no basis for the public body to refuse to comply with future requests under La. R.S. 44:32(C)(1)(a).

In August 2025, Deanna Fourroux responded to Mr. Summers’ July Request and stated that the records responsive to the July Request would cost \$83.<sup>18</sup> Mr. Summers responded that he would need to consult with an attorney before proceeding with payment. Critically, he *never received any records responsive to the July Request*. He was later told that the fee was waived, but this waiver was inconsequential; Mr. Summers never received copies of the requested records, so there was no fee to waive.

As to the records at issue in this lawsuit, after compiling the AVL and staffing records related to the March 7, 2026 warehouse fire in response to the First March Request, Mr. Stephens stated that copies of the records would cost \$121.50.<sup>19</sup> But Petitioners had not notified Mr. Summers in advance of production of the cost. Nor is this a situation where Petitioners provided copies of records and Mr. Summers refused to pay, resulting in an outstanding balance. As such, the two alternative bases for withholding records pursuant to La. R.S. 44:32(C)(1)(a)—“fail[ure] to pay the applicable copying fees after being notified of the amount in advance of production” or an “outstanding balance from a prior request”—are inapplicable, and declaratory relief is unwarranted. Mr. Summers paid for a copy of the only responsive record he received—the fire report. But Mr. Summers has not received copies of the other records in the First March Request at all, so there is no duly imposed fee let alone an “outstanding balance.”

Petitioners’ position would effectively eviscerate the PRL. As an example, a custodian could tell a requestor that receiving copies of records responsive to a request that turned out to be particularly broad would cost \$1,000. There is no obligation for the requestor to then move forward with having those copies produced to them, not least because they may not be able to pay those costs. The law plainly allows the requestor to tell the custodian at that point that they no longer

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<sup>18</sup> Exhibit 1, p. 1, Summers’ July 2025 Public Records Request.

<sup>19</sup> Exhibit 4, p. 1, Summers’ March 9, 2026 Public Records Request.

want the records. But under Petitioners' theory, the result of simply submitting a request could be a *debt to the government* of any amount, regardless of whether the requestor receives the records. And the custodian would then no longer have to respond to any new requests of the requestor because of the "outstanding balance" of \$1,000. This position is plainly contrary to the law.

Petitioners cannot deny Mr. Summers' requests based on their unilateral imposition of fees when Mr. Summers never received copies of the requested records. A declaratory judgment as to whether Petitioners can ignore Mr. Summers until he pays a "balance" he does not actually owe is meritless.

## **2. Petitioners may not charge fees for fulfilling their basic obligations under the PRL.**

Petitioners seek multiple declarations from this Court that ultimately serve the same goal: empowering them to demand payment (on Mr. Summers and anyone else seeking government transparency) for responding to public records requests and complying with the PRL. But the law expressly precludes this relief. *Cf.* La. R.S. 44:32(C)(3).

The PRL allows recovery of fees in certain narrow circumstances, including to recover the costs of printing copies of records to provide to requesters (*see* La. R.S. 44:32(C)(1)(a)). But Petitioners seek a declaratory judgment that they are also entitled to charge a per page fee for copies of documents **whenever the documents "must be printed and reviewed before production,"** regardless of whether or not the documents were requested (let alone produced) in that form; indeed, under Plaintiff's theory, they could charge fees for "printing" documents that are never produced at all. Pet., ¶ 23(C) (emphasis added).

Similarly, Petitioners also ask this Court to

set a reasonable fee for the records custodian **to review, to redact and/or to segregate the privilege, protected and exempt information from that which is non-objectionable, "public" information,** and to allow Mr. Summers the opportunity to personally review such records, after hours, so as not to interfere with the daily operations of the Fire District, as well as the Parish Government.

Pet., ¶ 37 (emphasis added).

Finally, Petitioners seek an order that if Mr. Summers exercises his statutory right to inspect records in person, he must provide an advance deposit to compensate Petitioners for any *anticipated* costs. Without any support in the law, Petitioners absurdly seek the following costs:

1) Compensation to any employee who may be needed to gather the requested documents so as not to interfere with the daily operations

of the Fire District, and thereby placing in jeopardy the public's safety;

2) Costs of photocopying of any and all records provided to Defendant, or alternatively, **reimbursement of all reasonable costs**, including any overtime time [sic] to **Petitioners' personnel to transfer all "public information" onto a thumb drive or other digital format or electronic format**; and

3) **Reimbursement of all expenses incurred by Petitioners to segregate, review and/or redact documents** to cull from the "public portion" of the document(s), that "non-public portion" which is protected, privileged or otherwise exempt from disclosure.

Pet., ¶ 38(E) (emphasis added).

Simply put, Petitioners are asking this Court to issue an order permitting them to seek reimbursement from the public for the core tasks associated with responding to public records requests: searching for and gathering potentially responsive records; reviewing the records for responsiveness and the presence of any exempt information; and segregating or redacting exempt information to prepare the records for production. But the law does not allow recovery of fees for any of these tasks.

Petitioners offer no explanation for why they should be permitted to charge fees for the same tasks that all public agencies are required to perform under the PRL and the law plainly precludes this relief. Louisiana courts have repeatedly rejected efforts to impose fees for review and redaction of public records in response to a public records request under the PRL. *See Wesley*, 291 So. 3d at 734; *Roper v. City of Baton Rouge/Par. of E. Baton Rouge*, 2016-1025 (La. App. 1 Cir. 3/15/2018), 244 So. 3d 450, 471 (denying fees to custodian for expenses incurred to review hundreds of emails); *see also Sewell v. Benoit*, 2002-1714, p. 6 (La. App. 4 Cir. 2/19/2003), 841 So. 2d 24, 27 (ruling requestor not required to pay fees for properly redacted documents). Further, in *St. Tammany Parish Coroner v. Doe*, the First Circuit Court of Appeals specifically rejected a custodian's argument that it could recover for time spent protecting legally privileged information. 48 So. 3d at 1247. Petitioners' multiple requests for declaratory relief to charge for time spent reviewing and redacting records should all be denied. Pet., ¶¶ 37, 38(E)(3).

In addition, per-page fees for printing hard-copies may not be imposed where, as here, a requestor asks for *electronic* copies of records.<sup>20</sup> The fact that a records custodian may decide to print off electronic records and make a copy for internal review does not justify imposing per-page

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<sup>20</sup> Exhibit 5, p. 1, Summers' March 9th, 2026 request. ("Please provide these records electronically to wbrindependent@gmail.com.")

copy fees on the requestor. In fact, courts have specifically rejected public bodies' efforts to charge fees under this theory, holding that the making of physical copies of electronic records is "unnecessarily laborious, costly, wasteful, and conflicts with the legislative intent of making public records as available as possible." *Johnson*, 9 So. 3d at 320.

Further undermining Petitioners' claim is the fact that it is based on the mere *possibility* that records *may* need to be reviewed and redacted. There is nothing to indicate that printing copies of the types of records Mr. Summers has requested would be remotely necessary. The statute does not allow recovery for cost of such copies, and Petitioners' requested relief in paragraph 23(C) should be denied.

Likewise, Petitioners cannot recoup costs for time spent preparing public records for production. *See* La. Op. Att'y Gen. No. 15-0056 (Oct. 8, 2015) ("the Public Records Act is not designed to recoup costs incurred by a public entity in preparing the records requested"); La. Op. Att'y Gen. No. 96-79 (Mar. 8, 1996). To whatever extent records custodians may charge for the "electronic transmission" of public records, it strains credibility that a reasonable fee for the transmission of electronic records includes time spent placing the record on a thumb drive or emailing electronic records. Petitioners cannot charge Mr. Summers for reimbursement of all costs, including overtime for transferring records onto a thumb drive or digital format, and Petitioners' request for relief as to paragraph 38(E)(2) should be denied.

**3. Petitioners have failed to justify charging fees based on hypothetical disruption to their ordinary operations.**

Petitioners have failed to meet their burden to justify any fees permissible under the PRL, and any declaratory judgment would be based on unsupported hypotheticals. Petitioners ask the Court to bless the imposition of fees *in the event* that an examination must be performed after hours. Pet., ¶ 23(D). Likewise, Petitioners seek a declaration that they can require an advanced deposit for Mr. Summers' in-person inspection, covering the cost of overtime for time spent gathering documents, transferring public records to an electronic format and time spent reviewing documents. Pet. ¶ 38(E).

As explained *supra*, a custodian may require that inspection take place outside of regular office hours only upon a showing that the examination of records during the normal workday would be so burdensome as to interfere with the operation of the custodian's constitutional and legal duties. *All. for Affordable Energy*, 695 So. 2d at 1136. A custodian's order for after-hours examination is subject to strict scrutiny and permitted only "when the request is of such a

magnitude that it disrupts normal procedure to the point where the office ceases to operate.” *Id.* (quoting 1980-81 La. Op. Att’y Gen. 181, No. 81-615 (1981)).

Petitioners’ claims for declaratory relief here are based on unsupported hypotheticals. There are no facts alleged in the Petition that the records contain exempt information to justify review and redaction or that any potential review would be extraordinary and force employees to work after hours. In addition, there are no facts alleged that an inspection of records by Mr. Summers would disrupt normal office procedure to the point where the Fire District or Parish cease to operate.

To support their claims for relief, Petitioners allege “that there *may* exist non-public documents which *may* be unreasonably burdensome and expensive to review, to redact, and/or to segregate” privileged, protected or exempt information. Pet., ¶ 33. Petitioners quote a PRL provision exempting items like security procedures, investigative techniques, and criminal intelligence information. Pet., ¶ 31 (quoting La. R.S. 44:3(A)(3), incorrectly cited as La. R.S. 44:3(a)(1)). Petitioners also note that they must review records that contain confidential medical information. Pet., ¶ 28.<sup>21</sup> However, Petitioners fail to identify any records responsive to Mr. Summers’ requests that would be subject to such exemptions. Pet., ¶ 31. Petitioners promptly responded to Mr. Summers’ January 2026 request without needing additional time to redact for exempt information. It strains credulity that the First March Request—nearly identical to the January request—or the request for a video or material prepared before, during, and after a *public meeting* contains such an extraordinary amount of exempt information that redaction of records would disrupt the operations of the Fire District.

In addition, to justify the need to respond to Mr. Summers’ requests after normal business hours or allow inspection after hours, Petitioners contend that “[d]ue to the erratic and unpredictable nature of the Fire District’s need to respond to various types of emergencies, any attempt to comply with Summers’ outstanding request to personally inspect records should be

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<sup>21</sup> It bears mentioning that the Court in *Hill v. East Baton Rouge Parish Dep’t of Emergency Med. Servs.* involved categorically different records than the ones Mr. Summers has requested. 2002-1236, p. 2 (La. App. 1 Cir. 12/22/2005), 925 So. 2d 17, 19. In *Hill*, the requestors sought “to listen to the 911 call or calls made that resulted in EMS going to the home of Secretary of State Fox McKeithen...on Thursday, Feb. 17, 2005.” *Id.* The custodians denied the request, citing the Privacy Rule of the Health Insurance Portability and Accountability Act (HIPAA). *Id.* The First Circuit Court of Appeals reasoned that the 911 tape at issue qualified as a confidential communication made for the purpose of medical treatment and was not subject to disclosure. *Id.* at 21. In addition, the Court affirmed the custodian’s claim that the 911 call was protected by HIPAA. *Id.* at 23. Mr. Summers did not request the 911 call related to the warehouse fire on March 7, 2026. It is also worth noting that while this case involves an emergency department, there was no discussion of whether responding to public records requests must be conducted after hours due to the unpredictable nature of the department’s need to respond to emergencies.

performed after hours.” Pet., ¶ 36. Petitioners’ argument defies logic. For one, the Fire District presumably responds to emergencies after hours. It is unclear how requiring Mr. Summers to personally inspect records after hours lessens any burden on the Fire District. The mere fact that the Fire District responds to emergencies does not evidence how Mr. Summers’ records request interferes with the Fire District’s operations. There is no indication in the petition that Mr. Summers’ requests will disrupt operations of the Parish or Fire District, let alone interfere with the Fire District’s ability to respond to emergencies. Even assuming a Fire District employee may be called to a fire while responding to Mr. Summers’ request, that might justify a *delay* in completing the response (as permitted by La. R.S. 44:25(A)), not a requirement that Mr. Summer pay overtime fees to review records after hours.

Moreover, Petitioners fail to allege the number of records responsive to Mr. Summers’ request or how long it will take to redact any exempt information, make copies of records, or allow Mr. Summers to inspect the records. The Petition is devoid of any facts showing that this request is of such a magnitude that it will disrupt the normal procedure of the Fire District or Parish to the point where both “cease[] to operate.” *All. for Affordable Energy*, 695 So. 2d at 1136. Petitioners have wholly failed to meet their burden to justify imposing fees for Mr. Summers’ records requests, and declaratory relief should be denied.

**4. Petitioners are not entitled to a declaration that their fee schedule is reasonable.**

Petitioners ask this Court to issue an order that the Parish Government’s fee schedule is reasonable and does not violate the Louisiana PRL. Pet., ¶ 38(C). That request must be denied; under Louisiana law, the reasonableness of fees must be decided on a case-by-case basis. For instance, in *Granger*, the First Circuit Court of Appeals explained that “what constitutes a reasonable fee turns on the facts and circumstances of each individual request.” 645 So. 2d at 1265; *see e.g., Carter v. City of Shreveport*, 51,589 (La. App. 2 Cir. 9/27/2017), 244 So. 3d 659, 665–666 (affirming reasonableness of fees for specific public records requests after trial court heard testimony from public employees explaining process of redacting records). The Louisiana Supreme Court largely affirmed the *Granger* decision but remanded to the trial court to fix reasonable attorneys’ fees in favor of the records requestors and set a reasonable fee for making copies of the specific records. 94-3017 (La. 2/3/201995), 649 So. 2d 397. Whether Petitioners’ fee schedule is reasonable is subject to a case-by-case determination and should not be subject to a declaratory judgment.

Moreover, Petitioners fail to show that their fee schedule is reasonable. The Fire District and Parish fee schedule is based on a sliding scale: (1) \$1 for the first 25 pages produced; (b) \$.50 per page for 26-500 pages; and (c) \$.25 for pages exceeding 500 pages. Pet., ¶ 8. That is significantly higher than the fee schedule used by state agencies, which set copying costs at \$.25 per page for public records, with no inflated premium for the first 500 pages. La. Admin. Code tit. 4, Pt. I, § 301(B)(1). Nearby parishes also charge significantly less. For instance, Iberville and Pointe Coupee parishes charge \$.25 per page for copies of records.<sup>22</sup> Petitioners makes no case as to why their inflated fee schedule is reasonable.

In sum, whether fees are reasonable must be decided on a case-by-case basis, and this issue is not subject to a declaratory judgment. Regardless of whether declaratory relief is appropriate, Petitioners wholly failed to show that their fee schedule is reasonable.

**5. Petitioners are not entitled to a declaration that they have acted in good faith in answering Mr. Summers public records requests.**

Petitioners ask this Court to issue an order that they have acted in good faith in attempting to address the public records requests at issue in this action. Pet., ¶ 38(D). This request for relief is baseless. Mr. Summers acknowledges that Mr. Stephens engaged in a lengthy exchange over email regarding the First March Request.<sup>23</sup> This exchange, initiated by Mr. Summers was ultimately unproductive. Neither Mr. Stephens nor any other Parish employees made any attempt to narrow the request, as required by La. R.S. 44:32(A)(2). Moreover, before even speaking to Mr. Summers about the Second March Request, Petitioners filed this underlying lawsuit and refused to respond to any more of Mr. Summers public records requests.<sup>24</sup>

Petitioners' actions are similar to the custodians in *Parish of Ascension v. Wesley*, in which the First Circuit Court of Appeals rejected the custodians' request to charge the requestor fees, reasoning that the custodians never reviewed any of the requested records to determine if any were immediately available and never discussed the request with the requestor before filing suit. 291 So. 3d 730, 736. The First Circuit acknowledged that while a custodian is not required to notify a requestor of its intent to file suit, a simple communication could have resulted in the parties

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<sup>22</sup>Iberville Parish Government, Public Records Request Submission Form <https://perma.cc/2HKT-RJDB> (last visited April 10, 2026); Pointe Coupee Parish Government, Public Records Request Form <https://perma.cc/5V8Z-NXML> (last visited April 10, 2026).

<sup>23</sup> Exhibit 4.

<sup>24</sup> Exhibit 5.

reaching an agreement reducing the scope of the public records requests and avoiding unnecessary litigation expenses.

Petitioners point out that Mr. Summers repeatedly threatened litigation over his public records requests, *see* Pet., ¶ 22, but the PRL plainly provides that violations of the PRL may be remedied through litigation. La. R.S. 44:35. Litigation *is* the enforcement mechanism provided by the legislature to requesters who are dissatisfied with a records custodian’s response. Mr. Summers should not be punished for invoking his rights under the law. *Id.* Petitioners have expended time and public resources to avoid their duties under the PRL and silence Mr. Summers. Petitioners have failed to act in good faith, and this claim for declaratory relief should be denied.

**6. Petitioners may not impose unlisted fees for producing electronic records.**

Petitioners ask for a declaratory judgment as to whether they must delineate in the fee schedule charges for producing documents in an electronic format. Pet., ¶ 23(B). As outlined above, a custodian may impose fees for making copies of public records and for the transmission of electronic copies of records. La. R.S. 44:32(C)(1)(a). But if a custodian chooses to establish and collect such fees, the custodian *must* establish a reasonable fee schedule and post the schedule where it is readily accessible. *Id.* As such, a records custodian must publicly share a schedule for fees imposed for making physical copies of records and for the transmission of electronic copies. While not conceding that declaratory action is necessary, Mr. Summers does not object to this claim insofar as Petitioners are asking the Court to affirm that they indeed must delineate such charges in their fee schedule.

**7. Petitioners’ claim to recover costs and attorneys’ fees must be denied.**

Petitioners ask the Court to order Mr. Summers to “reimburse” them “for all fees and expenses, including reasonable attorney’s fees, in the prosecution of this action.” Pet., ¶ 38(F). But they offer no legal basis for such relief—and there is none. The PRL allows *requestors* that prevail in litigation to enforce their rights under the statute to recover costs and fees, whether the lawsuit was initiated by the requester or the government body. *See* La. R.S. 44:35(D)(1), (2). But there is no provision for the government to recover such fees. Awarding fees and costs to a public body that brings a lawsuit against a person exercising their rights under the PRL would be antithetical to the PRL and constitutional right of access, which must be “construed liberally in favor of free and unrestricted access to public documents.” *Shane*, 209 So. 3d at 735. Petitioners’

demand—which appears designed to intimidate and deter Mr. Summers from exercising his rights under the PRL and the Louisiana constitution—should be denied out of hand.

### **III. MR. SUMMERS IS ENTITLED TO RECOVER FEES AND PENALTIES FROM PETITIONERS**

#### **A. Mr. Summers should be awarded attorneys’ fees for defending against this lawsuit**

As noted above, the PRL specifically provides that a records requestor who is sued over their records request is entitled to recover attorneys’ fees and costs. La. R.S. 44:35(D)(2). Similarly, if a person brings a lawsuit to enforce the PRL and prevails, the requestor “shall be awarded reasonable attorney fees and other costs of litigation.” La. R.S. 44:35(D)(1). Accordingly, Mr. Summers requests that the Court deny Petitioners’ claims, and in so ruling, also award him reasonable attorneys’ fees and costs as the prevailing party in this action.

#### **B. Mr. Summers should be awarded arbitrary and capricious penalties pursuant to the PRL**

Mr. Summers further requests that this Court award arbitrary and capricious penalties in the amount of \$100 per day from March 20, 2026, to present in accordance with La. R.S. 44:35(E). That provision of the PRL allows recovery of penalties not to exceed \$100 per day if the custodian “unreasonably or arbitrarily failed to respond to the request.” La. R.S. 44:35(E)(1). The test for determining whether an action was arbitrary or capricious is whether the action taken was without reason. *Aswell v. Div. of Admin.*, 2015-1851, p. 6 (La. App. 1 Cir. 6/3/2016), 196 So. 3d 90, 94. Courts have found penalties warranted when a custodian ignored a public records request for weeks. *Innocence Project New Orleans v. New Orleans Police Dep’t*, 2013-0921, p. 12 (La. App. 4 Cir. 11/6/2013), 129 So. 3d 668, 675. Similarly, courts consider whether a custodian ever conducted a search for the requested records. *See e.g. Washington v. Cannizzaro*, 2020-0470 (La. App. 4 Cir. 3/17/2021), 317 So. 3d 826, 835.

Here, rather than respond to Mr. Summers’ Second March Request or provide written notice that the records are exempt as required by La. R.S. 44:32(D), Petitioners filed suit against Mr. Summers. Petitioners’ actions—suing a reporter and refusing to respond to any future requests from the reporter based on convoluted theories that have no basis in the law without ever conducting a search for responsive records—are unreasonable. Mr. Summers requests an award of arbitrary and capricious damages in the amount of \$100 per day pursuant to La. R.S. 44:35(E).

**C. The Court should order the Petitioners to produce requested documents.**

Petitioners have failed to allow Mr. Summers to inspect the records responsive to his First March request and failed to properly respond to Mr. Summers' Second March Request. Petitioners have provided no basis to withhold the records. Accordingly, Mr. Summers requests that this Court order Petitioners to allow Mr. Summers to inspect the records responsive to his First March request in person and respond to his Second March Request.

**CONCLUSION**

Petitioners' lawsuit is a baseless attempt to silence Mr. Summers and justify ignoring his lawful public records requests. Further, it is an attempt by Petitioners to impose impermissible costs onto Mr. Summers for fulfilling their clear and standard obligations under the Louisiana Constitution and PRL. Mr. Summers respectfully requests that Petitioners' request for a protective order and declaratory relief be denied and dismissed with prejudice. Mr. Summers further requests an award of attorneys' fees and costs, an award of arbitrary and capricious damages, an order requiring Petitioners to respond to Mr. Summers' records requests and any other relief as the Court deems appropriate.

DATED: April 21, 2026

Respectfully submitted,

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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.

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