

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

TERREBONNE PARISH BRANCH NAACP, ET AL

CIVIL ACTION

VERSUS

NO. 14-0069-JJB-EWD

PIYUSH (“BOBBY”) JINDAL, THE GOVERNOR  
OF THE STATE OF LOUISIANA, IN HIS OFFICIAL  
CAPACITY, ET AL

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**GOVERNOR’S RESPONSE TO PLAINTIFFS’ MEMORANDUM REGARDING  
REMEDIES**

Defendant **JOHN BEL EDWARDS**, in his official capacity as Governor of Louisiana, hereby submits this Response to Plaintiffs’ Memorandum Regarding Remedies.

**I. The Governor is not constitutionally empowered to create a remedy.**

Although this issue has been previously litigated in this matter, it bears repeating that neither the Governor nor Attorney General is granted the authority by the Louisiana Constitution to create a remedy which would address the violations found by this Court. The constitutional role of the Governor in determining the creation or boundaries of judicial districts or the number (or makeup) of judges in a judicial district is limited to whether the Governor will sign or veto legislation duly passed by the Louisiana Legislature. La. Cons. Art. 3 § 18.<sup>1</sup> The Attorney General has no constitutional role relating to the passage of legislation or the creation or alteration of judicial districts. As such, the Louisiana Legislature is the only body empowered by the Louisiana Constitution to consider alteration of the current structure of the 32<sup>nd</sup> Judicial District Court.

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<sup>1</sup> It is further important to note that the Governor of the State of Louisiana is not responsible for drafting the legislation that created the 32<sup>nd</sup> JDC. *See* La. Const. art. IV, § 5; La. Const. art. IV, § 7; *see also* La. Const. art. III, § 1.

**II. Deference should be given to the will of the Louisiana Legislature.**

As acknowledged by all of the parties, the Louisiana Legislature is set to meet beginning on March 12, 2018. The 2018 regular session is a general, non-fiscal session, and thus this matter can be fully considered by the Legislature well before the qualification for the 2020 elections in the 32nd Judicial District Court. Thus, prudence requires this Court to not address the issue of remedy until after the Legislature has considered whether to pass a bill in the 2018 regular session. This is in line with the recent order from the Fifth Circuit Court of Appeals which found, in dismissing the appeal of the defendants, that an immediate appeal of the non-final judgment was not necessary because the judicial elections are not until 2020. *Terrebonne Parish Branch NAACP et al v. Piyush Jindal, 17-30756 (11/14/2017)*.

Further, given the importance of this issue to the people of Terrebonne Parish, and to the possible effects of this ruling outside of Terrebonne Parish, it is critically important that the Legislature be given a full opportunity to address the violations found by this Court. After such consideration, this Court will be entitled to determine whether the Legislature has been able to craft a constitutional remedy.

RESPECTFULLY SUBMITTED,

s/Matthew F. Block  
Matthew F. Block (LABR 25577)  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing pleading has been filed with the Clerk using the Court's CM/ECF system which will provide notice to all counsel of record.

Baton Rouge, Louisiana, this 22<sup>th</sup> day of November, 2017.

/s/ Matthew F. Block  
Matthew F. Block