

CELCOG, L.L.C. dba STRAWN'S EAT SHOP
TOO, MONJUNI'S OF PORTICO, INC., AIR
U SHREVEPORT, LLC, THE BRAIN TRAIN,
LLC, and BEARING SERVICE & SUPPLY, INC.

NUMBER 624744

SECTION B

JUDGE CRAIG MARCOTTE

VERSUS

1ST JUDICIAL DISTRICT COURT

ADRIAN PERKINS, in his official capacity
as MAYOR OF THE CITY OF SHREVEPORT,
LOUISIANA

PARISH OF CADDO

STATE OF LOUISIANA

VERIFIED PETITION
FOR DECLARATORY AND INJUNCTIVE RELIEF
AND MOTION FOR APPOINTMENT OF PROCESS SERVER

NOW INTO COURT, through undersigned counsel, come Plaintiffs who submit this petition for an injunction and temporary restraining order pursuant to the Louisiana Code of Civil Procedure article 3603 as more specifically outlined below:

PARTIES

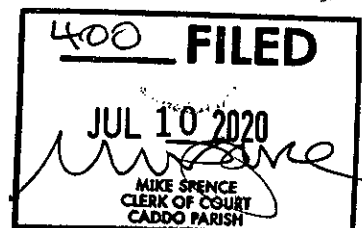
1. Plaintiffs herein are:
 - a. CELCOG, L.L.C., a Louisiana limited liability company registered with the Louisiana Secretary of State, doing business as STRAWN'S EAT SHOP TOO (hereinafter "Strawn's");
 - b. MONJUNI'S OF PORTICO, INC., a business corporation authorized to do and doing business in the State of Louisiana (hereinafter "Monjuni's");
 - c. AIR U SHREVEPORT, LLC, a Louisiana limited liability company registered with the Louisiana Secretary of State (hereinafter "Air U");
 - d. THE BRAIN TRAIN, LLC, a Louisiana limited liability company registered with the Louisiana Secretary of State (hereinafter "Brain Train"); and
 - e. BEARING SERVICE & SUPPLY, INC., a business corporation authorized to do and doing business in the State of Louisiana (hereinafter "Bearing Service")(collectively hereinafter "Petitioners").

2. Defendant herein is:
 - a. ADRIAN PERKINS, in his official capacity as MAYOR OF THE CITY OF SHREVEPORT, LOUISIANA (hereinafter "Mayor Perkins")(sometimes hereinafter "Defendant").

JURISDICTION AND VENUE

3. Venue is proper pursuant to Louisiana Code of Civil Procedure article 42 because all defendants are domiciled in this judicial district.

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FACTUAL ALLEGATIONS

4. COVID-19 is an infectious disease that originated in Wuhan, China in 2019 and was present in the United States by early 2020.

5. In response to the COVID-19 pandemic, the Secretary of the United States Department of Health and Human Services declared a public health emergency on January 31, 2020, and the President of the United States declared a national emergency on March 13, 2020.¹

6. The Governor of Louisiana likewise declared a statewide public health emergency on March 11, 2020.² The Governor then issued a series of “Stay at Home” orders that, among other things, ordered the people of Louisiana to stay at their homes unless taking essential trips or to travel to or from a place of employment, ordered some non-essential businesses to be closed, and placed limitations on other businesses that were allowed to remain open.

7. The Stay at Home orders were driven largely by concerns that ventilators, hospital capacity, and personal protective equipment (“PPE”) supplies would be exhausted, and the orders were at least colorably authorized by statute.

8. Since the time of the original Stay at Home order, the number of new COVID-19 cases and COVID-related hospitalizations in Louisiana have decreased, with the peak of hospitalizations occurring on or near April 13, 2020.³

9. The severity and adverse outcomes of COVID-19 infections appear to have decreased. Experts have identified several factors driving that trend. Increased testing allows for earlier intervention when available treatments seem to work best. Earlier, more effective treatments also reduce pressure on medical professionals and hospitals, thereby allowing better treatment of patients who are seriously ill. The medical profession has also gained a better handle on how to treat COVID-19 via techniques such as proning, blood thinners, an administration of certain steroids. These same factors have greatly reduced the concerns that drove the Stay at Home orders.

¹ *Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak*, 85 Fed. Reg. 15337 (Mar. 18, 2020).

² Proclamation 25 JBE 2020.

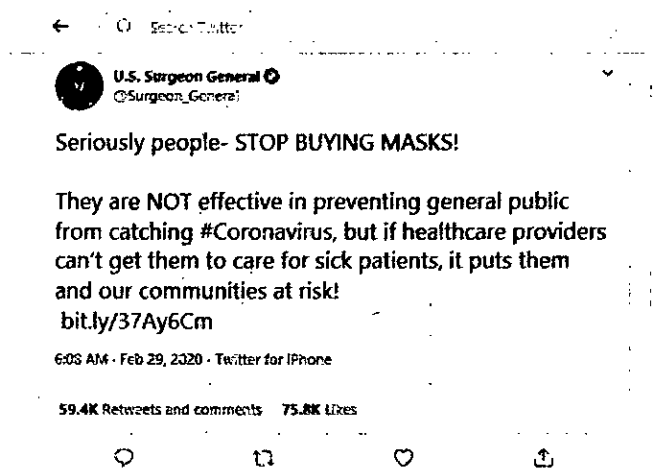
³ See Proclamation 74 JBE 2020.

10. On May 15, 2020, consistent with guidance issued by the White House Coronavirus Task Force, the Governor ordered the State of Louisiana into Phase I of recovery and reopening. As part of his Phase I order, the Governor lifted portions of the Stay at Home orders.⁴

11. On June 4, 2020, consistent with guidance issued by the White House Coronavirus Task Force, the Governor ordered the State of Louisiana into Phase II of recovery and reopening. As part of his Phase II order, the Governor lifted additional portions of the Stay at Home orders.⁵

MASKS ARE MADE POLITICAL

12. In the early days of the pandemic, leading medical professionals and media figures repeatedly claimed masks were not effective in protecting the public from COVID-19, and they affirmatively discouraged the public from wearing them. For example, on February 27, 2020, the Director of the Centers for Disease Control and Prevention told the House Foreign Affairs Committee that “[t]here is no role for...masks in the community.” On February 29, the U.S. Surgeon General tweeted:



13. That same day, the *New York Times* quoted Dr. Mike Ryan, executive director of the World Health Organization’s Health Emergencies Program as stating: “Not having a mask does not necessarily put you at any increased risk of contracting this disease.” Indeed, on March 30, Dr. Ryan told reporters:

There is no specific evidence to suggest that the wearing of masks by the mass population has any potential benefit. In fact, there’s some evidence to suggest the opposite in the misuse of wearing a mask properly or fitting it properly.

⁴ Proclamation 58 JBE 2020.

⁵ Proclamation 74 JBE 2020.

14. In early April, the CDC suddenly reversed course and recommended that people 2 years of age and older wear a cloth face covering in public settings and when around people who don't live in the same household, especially when other social distancing measures are difficult to maintain. Medical leaders made clear, however, that masks are merely a backup to proper social distancing. That view is consistent with scientific evidence indicating that cloth masks provide minimal benefit.

15. In May and June, large numbers of medical professionals departed from the CDC's advice and urged that the political benefits of certain protests outweighed the epidemiological costs of further spreading COVID-19.⁶ Elected officials – including Perkins – followed along, supporting the protests without expressing any concern for the COVID-19 infections that would inevitably result, or for violations of existing emergency orders. Indeed, at a June 4 protest, Mayor Perkins told protestors that they “have the full support of the Mayor of Shreveport” and “the full support of the Shreveport Police Department; they're going to do everything they can to keep demonstrations safe today and for however long you demonstrate and exercise your constitutional right.”

16. Judge James Ho, of the U.S. Court of Appeals for the Fifth Circuit, noted the disparate treatment:

In recent weeks, officials have not only tolerated protests – they have encouraged them as necessary and important expressions of outrage over abuse of government power.

For people of faith demoralized by coercive shutdown policies, that raises a question: If officials are now exempting protestors, how can they justify continuing to restrict worshippers? The answer is that they can't. Government does not have *carte blanche*, even in a pandemic, to pick and choose which First Amendment rights are “open” and which remain “closed”.

Spell v. Edwards, 962 F.3d 175 (5th Cir. 2020) (Ho, J., concurring).

17. The consequences of elected leaders tolerating large gatherings to support their favored political causes have not been limited to the legality of COVID-related orders. Rather, the wearing or not wearing of masks has become deeply imbued with political overtones, including respect for individual liberties and self-determination in contrast to blindly following the latest government diktat.

⁶ <https://time.com/5848212/doctors-supporting-protests/>

ENTER MAYOR PERKINS, DECREERING MASKS FOR ALL (EXCEPT HIM)

18. On July 2, 2020, nearly six months since COVID-19 was detected in the United States, four months after the Governor declared an emergency, and two months after the Governor began reopening the State of Louisiana, TV station KSLA quoted Mayor Perkins as stating “We are considering mandating masks. I am speaking with city leaders on both sides of the river, as well as business owners, about this potential next step.”

19. Four days later, on July 6, 2020, Mayor Perkins held a press conference and announced:

After consulting with many of our area businesses, consulting with many of our area leaders, I am issuing an executive order requiring that customers wear masks or face coverings when entering a business establishment. It also requires businesses to post signage at entrances clearly indicating requirements and prohibitions. This executive order goes in to effect Wednesday, July 8 at 5pm and stays in effect until August 8 at 11:59pm.⁷

20. With respect to enforcement, Mayor Perkins stated that the order:

applies to all businesses that interact with the public, to all customers with the exception of those with medical conditions that prevent one from wearing a mask. The Shreveport Police Department will be enforcing this mandate, and businesses will be issued documented warnings on their first violation, and up to a maximum fine of \$500 on their second violation. We are asking citizens to call [Shreveport Police Department] at 673-7300 to report any violations.

There’s other measures as well. The Fire Marshal goes out to inspect businesses. The Shreveport Police will be somewhat proactive with it as well.”

21. During the press conference, Mayor Perkins identified no legal basis for the order.

22. Implicitly acknowledging the political implications of his order, Mayor Perkins claimed the order “is not about politics.”

23. Louisiana Department of Health Region 7 Director Dr. Martha Whyte joined Perkins at the press conference. Similarly acknowledging the political implications of Mayor Perkins’ order, Dr. Whyte claimed:

This is not a political issue... If you are listening to people who are telling you it is wrong to wear masks because of one political party or another, don’t listen to them... When you walk into a church, a place of worship, and 35% of the people are wearing masks and 65 aren’t, you need to turn around and walk out and worship at home. If you walk into a store, you need to make sure they are meeting these guidelines. If not, let the police know because...they will help us enforce this mandate.⁸

⁷ <https://www.facebook.com/MayorOfShreveport/videos/270101257650132/>

⁸ <https://www.facebook.com/MayorOfShreveport/videos/270101257650132/>

24. Undercutting any claim of emergency or imminent threat, Dr. Whyte acknowledged that “right now, we’re ok in Region 7 as far as our ICU and our vents, because...there’s been a change in the way we treat people, and also we have younger, healthier people who are getting sick right now.”

25. Tellingly, neither Perkins nor Dr. Whyte wore a mask at the press conference.

26. Although Mayor Perkins had time to post social media commentary along with colorful, artistic signs for businesses to put in place to comply with his order, upon information and belief, no draft of his executive order was posted online or in any public place on July 6 or July 7.

27. Indeed, Mayor Perkins delayed signing and publishing the content of his order for two days after he announced it, until the morning of July 8. A true and correct copy of the Mayor Perkins’ order is attached hereto as Exhibit A (“Order”). The content of the Order differs significantly from his description of the order on July 6.

28. For example, the Order makes no reference to fines, which are not authorized by La. R.S. 29:737, but instead threatens to punish non-compliance by enforcement measures “that include, but are not limited to, revocation of a business’ [*sic*] ability to remain open under Phase 2 guidelines and cessation of water service to the business.” Yet imposition of penalties for violation of the Order has not been authorized by the legislature or the Shreveport city council implicates an unlawful delegation of legislative power and would constitute a violation of the Due Process Clause of the Louisiana Constitution.

29. The Order is defective even as to basic statutory requirements. On its face, the order purports to extend for 31 days, in contravention of La. R.S. 29:737(C). And upon information and belief, Mayor Perkins did not “notify the parish president and advise him of the nature of the disaster or emergency and the emergency response measures being undertaken” as required by La. R.S. 29:737(A).

30. Perkins could have, but did not, seek council approval for this action which would have been the proper avenue.

31. Many citizens, including Plaintiffs, will comply with the Order only to avoid the penalties threatened in the Order.

IRREPARABLE HARM

32. The Stay at Home orders were economically devastating, including to Plaintiffs. Indeed, according to the United States Bureau of Labor Statistics, over 200,000 Louisiana jobs were lost between December 2019 and May 2020, and the unemployment rate rose from 5.2% to 13.3%.⁹ The Order threatens further severe economic and business disruption.

33. Compounding the disruption caused by the Order itself, consumers have threatened to boycott businesses that comply with the Order in view of the potent political symbolism that is associated with masks. This could result in a loss of good will to these businesses with masks, and for other individual reasons.

34. Uncertainty over the lawfulness of the Order, including vis-à-vis the contrary command of La. R.S. 14:313, will cause some Plaintiffs to cease doing business until the uncertainty is resolved.

35. Regardless, Plaintiffs are “entitled to injunctive relief without the requisite showing of irreparable injury [because] the conduct sought to be restrained is unconstitutional or unlawful.” *Jurisich v. Jenkins*, 749 So. 2d 597, 599 (La. 1999) (citing *S. Cent. Bell Tel. Co. v. La. Pub. Serv. Comm’n*, 555 So. 2d 1370 (La. 1990)).

COUNT I – ULTRA VIRES ORDER

36. The preceding allegations are incorporated in full as if fully set forth.

37. Mayor Perkins has no inherent authority to command any conduct by citizens.

38. Particularly in view of Mayor Perkins’s lengthy delay in issuing the Order and Dr. Whyte’s statement that “right now, we’re ok in Region 7 as far as our ICU and our vents,” there is no situation within or outside Shreveport that requires immediate action to preserve the public peace, property, health, or safety within [Shreveport] or to provide for continued operation of municipal government,” and no situation requires “immediate emergency response measures” within Shreveport. Any contrary determination is factually unsupported, arbitrary, capricious, an abuse of discretion, and contrary to law.

⁹ https://www.bls.gov/eag/eag.la.htm#eag_la.f.2

39. The Order is not authorized by La. R.S. 29:737 and is contrary to the Shreveport City Charter, such that it is null and void. Particularly, no authority authorizes Perkins to impose penalties for violation of the Order.

A comparison of the status cited by Mayor Perkins in his Order with the statute empowering the Governor to issue executive orders makes it clear that the Legislature chose not to grant Mayor Perkins the sweeping powers assumed by him in the July 8 Order.

LSA-R.S. 29:724 provides, in part:

A. The governor is responsible for meeting the dangers to the state and people presented by emergencies or disasters, and in order to effectuate the provisions of this Chapter, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations so issued ***shall have the force and effect of law.***

E. In the event of an emergency declared by the governor pursuant to this Chapter, any person or representative of any firm, partnership, or corporation violating any order, rule, or regulation promulgated pursuant to this Chapter, shall be fined not more than five hundred dollars or confined in the parish jail for not more than six months, or both. ***No executive order, proclamation, or regulation shall create or define a crime or fix penalties.*** (Emphasis supplied)

The two statutes must be read in *pari materia* with each other, particularly when such far-reaching police powers are attempted to be exercised by the government. *Luv N' Care Ltd. v. Jackel Int'l*, No. 2019-C-0749, 2020 WL 499164 (La. 1/29/2020); see also *U.S. v. Caldera-Herrera*, 930 F. 2d 409, 411-12 (5th Cir. 1991) (statutory provisions in *para materia* but having different language are construed to mean different things)

No similar language is found in LSA-R.S. 29:737. Therefore, the Mayor's Order *does not* have the "force and effect of law." Nor does the Mayor have the power to levy or impose fines or to fix penalties.

40. To the extent the Order is authorized by law, it is procedurally defective, such that it is null and void.

COUNT II – RIGHT TO DUE PROCESS OF LAW

41. The preceding allegations are incorporated in full as if fully set forth.

42. Article I, Section 2, of the Louisiana Constitution provides that "No person shall be deprived of life, liberty, or property, except by due process of law."

43. The Order purports to permit enforcement by undefined measures.

44. The Order threatens to terminate or suspend protected property rights, including utility services, permits, and licenses without due process.

45. The Order is vague in that it requires determination of whether certain actions are “impractical.”

46. The Order poses a direct conflict with La. R.S. 14:313 and thereby presents citizens with conflicting legal obligations.

COUNT III – EQUAL PROTECTION

47. The preceding allegations are incorporated in full as if fully set forth.

48. The Order applies arbitrarily, capriciously, and without rational basis.

COUNT IV – RIGHTS TO FREE EXPRESSION, FREE EXERCISE OF RELIGION, AND TO ASSEMBLE PEACEFULLY

49. The preceding allegations are incorporated in full as if fully set forth.

50. Article I, Section 7, of the Louisiana Constitution provides: “No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom.”

51. Article I, Section 8, of the Louisiana Constitution provides: “No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.”

52. Article I, Section 9, of the Louisiana Constitution provides: “No law shall impair the right of any person to assemble peaceably[.]”

53. The Order purports to restrict the rights of citizens to assemble peaceably unless they undertake symbolic political activity.

54. The Order purports to command businesses to post signage with political content and/or to condition their right to do business on posting signage with political content.

55. The Order purports to permit large, risky protests without masks while requiring worshipers to wear masks at religious gatherings.

COUNT V – RIGHT TO PRIVACY

56. The preceding allegations are incorporated in full as if fully set forth.

57. Article I, Section 5, of the Louisiana Constitution provides: “Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. No warrant shall issue without probable cause

supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court.”

58. Neither the Order nor any purported violation of the Order provides grounds for any fire marshal, police officer, or other government agent to search, inspect, or demand access to any private property.

APPOINTMENT OF PRIVATE PROCESS SERVER

59. Because of the rapidity with which Mayor Perkins can sabotage the businesses of Plaintiffs through social media, news media, etc., upon the issuance of the Order prayed for herein, Plaintiffs request to be granted the power to serve the temporary restraining order issued by this Court on Mayor Perkins.

60. Therefore, Plaintiffs seek the appointment of their attorney, Glenn L. Langley, as a private process server with the power to serve Mayor Perkins with the temporary restraining order issued by this Court as authorized under Louisiana Code of Civil Procedure article 1293 (B).

61. Notification to Mayor Perkins in advance of the signing of this motion should not be required because of the nature of the injunction sought and the rapidity with which Mayor Perkins can sabotage the businesses before the Temporary Restraining Order can be obtained.

62. Plaintiffs show that the temporary restraining order and injunction should issue without bond, as the restriction is illegal and violates constitutional liberties.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

- a) Declare the Order null, void, and unenforceable;
- b) Enter a temporary restraining order, preliminary injunction, and permanent injunction against enforcement of the Order, including without limitation via any penalty;
- c) Enter a temporary restraining order, preliminary injunction, and permanent injunction against any search or inspection based on purported violations of the Order or to determine compliance with the Order;

- d) A hearing to be set to determine whether to convert the temporary restraining order into a preliminary injunction;
- e) Enter the temporary restraining order and injunction without bond because the restriction is illegal and violates constitutional liberties;
- f) Mayor Perkins be ordered to respond to the motion for injunctive relief prior to the hearing by a certain date set by the Court;
- g) Plaintiffs be directed that they may file a reply to Mayor Perkins' response by a certain date set by the Court;
- h) Order Perkins to issue a public statement forthwith that the Order is unenforceable and that he has no authority to issue executive orders enforceable by civil or criminal penalties, with Perkins to use the same modes of communication as he used to advertise his Order;
- i) Glenn L. Langley, attorney for Plaintiffs, be appointed as a private process server and granted the power to serve Mayor Perkins with the temporary restraining order by delivering a copy to the Office of the Mayor as well as to the City Attorney, via facsimile or email;
- j) Award Plaintiffs their costs; and
- k) Award Plaintiffs their attorney fees to the extent provided by law.

Respectfully submitted,

LANGLEY & PARKS, LLC

By: 
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(318) 383-6422: Telephone
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glangley@languelparks.com

Attorneys for Plaintiffs



PARISH OF CADDO

FIRST JUDICIAL DISTRICT COURT

SECOND RENEWAL OF CITY OF SHREVEPORT STATE OF EMERGENCY

WHEREAS La. R.S. 29:737 empowers the chief executive officer of a municipality to undertake immediate emergency response measures within the municipality whenever a situation develops within or outside the municipality and the chief executive officer of the municipality determines immediate action is required to preserve the public peace, property, health, or safety within the municipality; and

WHEREAS, on April 2, 2020, Mayor Adrian Perkins issued a “City of Shreveport Mayoral Declaration of a State of Emergency” which declared a state of emergency to exist within and throughout the City of Shreveport as a result of the novel coronavirus named SARS-CoV-2 and the respiratory disease caused by it, known as Coronavirus Disease (COVID-19), in order to protect the health and safety of the people of Shreveport and in order to participate in any response and recovery plan administered by the Governor’s Office of Homeland Security and Emergency Preparedness and their power to act as administrator, as per La. R.S. 29:767, and pursuant to the Louisiana Homeland Security and Emergency Assistance Act as amended, La R. S. 29:721, *et seq.*; and

WHEREAS, on May 2, 2020, Mayor Perkins issued “Renewal of City of Shreveport Mayoral Declaration of a State of Emergency” which extended the state of emergency within and throughout the City of Shreveport due to the continued high numbers of new COVID-19 cases and deaths; and

WHEREAS, on June 22, 2020, Governor John Bel Edwards renewed the State of Emergency for COVID-19 and announced that Phase 2 of Resilient Louisiana would be extended for an additional 28 days, until July 24, 2020 (Proclamation No. 75 JBE and Proclamation No. 83 JBE 2020), as a result of the number of COVID-19 cases and related hospitalizations rising across the state; and

WHEREAS, since the extension of Phase 2 of Resilient Louisiana, the City of Shreveport has experienced alarming spikes in cases, hospitalizations, and deaths; and

WHEREAS, information and data from medical professionals indicates that COVID-19 is more likely to be spread from individual to individual through close contact indoors and particularly through mass gatherings where people do not practice social distancing or wear personal protective masks or face coverings over the nose and mouth; and

WHEREAS, infected persons can transmit COVID-19 to others before showing any symptoms, and widespread and consistent use of personal protective masks or face coverings over the nose and mouth when in public is a critical and necessary measure to help slow the virus while



allowing local businesses to continue to reopen and help the City of Shreveport economy reopen;
and

WHEREAS, the spread of COVID-19 between individuals is greatly reduced through the wearing of personal protective masks or face coverings while indoors; and

WHEREAS, pursuant to La. R.S. 29:737, the World Health Organization's March 11, 2020 designation of the COVID-19 outbreak as a worldwide pandemic, and the direct and definitive threat to public health and safety from COVID-19, it is necessary to extend the City of Shreveport State of Emergency and require individuals to wear personal protective masks or facial coverings while indoors and in all commercial buildings, public buildings, places of worship, and outdoor public spaces where individuals cannot or it is impractical to maintain six (6) feet of physical distance; and

WHEREAS, these measures are necessary to preserve and protect the health and safety of the people of the City of Shreveport.

NOW THEREFORE, I ADRIAN PERKINS, Mayor of the City of Shreveport, by virtue of the authority vested in me as the Mayor and Chief Executive Officer of the City of Shreveport by the Constitution and laws of the State of Louisiana, do hereby undertake immediate emergency response measures and direct as follows:

SECTION 1: Pursuant to La. R.S. 29:737, declare that a State of Public Health Emergency continues to exist for the City of Shreveport.

SECTION 2: In response to the World Health Organization's March 11, 2020 designation of the COVID-19 outbreak as a worldwide pandemic, and because infected persons can transmit the COVID-19 virus to others before showing any symptoms, all individuals within the City of Shreveport must wear personal protective masks or facial coverings over the nose and mouth while in commercial buildings, public buildings, places of worship, and outdoor public spaces where individuals cannot or it is impractical to maintain six (6) feet of physical distance.

SECTION 3: Within the City of Shreveport, personal protective masks or face coverings must cover your nose and mouth in the following situations:

- In all commercial buildings, public buildings, and places of worship.
- When indoors and in common areas, such as but not limited to, restrooms, hallways, stairways, elevators, or any room or enclosed area where other people (except for members of the person's own household or residence) are present in commercial buildings, public buildings, and places of worship. This shall not apply to private households or residences.
- At outdoor public spaces where individuals cannot or it is impractical to maintain six (6) feet of physical distance.

- While riding public transportation, paratransit, or rideshare.

SECTION 4:

The following individuals are exempt from wearing a face mask/covering:


- Persons younger than two (2) years old.
- Persons with a medical condition, mental health condition, or disability that prevents them from wearing a personal protective mask or face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask or face covering without assistance.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a personal protective mask or face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the mask or face covering is necessary to perform the service.
- Personal protective masks or face coverings must be worn upon entering and exiting restaurants, bars, or other establishments that offer food or beverage service. However, persons are exempt who are seated at a restaurant, bar, or other establishment that offers food or beverage service, while they are eating or drinking, provided they are able to maintain a distance of at least six (6) feet away from persons who are not members of the same household or residence.
- Personal protective masks and coverings must be worn upon entering and exiting gyms or other fitness or recreational facilities. However, persons are exempt while working out at a gym or other fitness or recreational facility provided they are able to maintain a distance of at least six (6) feet away from persons who are not members of the same household or residence.
- Personal protective masks or face coverings must be worn upon entering, exiting, and remaining in places of worship. However, persons are exempt who are speaking to or addressing the group/congregation or singing in a choir, provided they are able to maintain a distance of at least six (6) feet away from persons who are not members of the same household or residence.

Nothing within this declaration shall prohibit the temporary removal of the mask or face covering for the purpose of any necessary assessment, recognition, or identification during the course of a legal, government, or medical service.

- SECTION 5:** Businesses must require all customers, clients, and visitors to wear personal protective masks or face coverings over the nose and mouth, while indoors or on the premises, and conspicuously post signage at or near all entrances clearly indicating requirements and prohibitions. To the extent feasible, businesses are encouraged to have unused face coverings in stock to provide to customers, clients, and visitors attempting to enter but do not have a face covering.
- SECTION 6:** Throughout the duration of this declared state of emergency, restaurants, bars, or other establishments that offer food or beverage service, nightclubs, gyms and fitness clubs, barber shops and salons, casinos, shopping malls, movie theatres, places of worship, and all other businesses operating, must strictly adhere to the Governor's Order for Phase 2 of Resilient Louisiana and the Open Safely Requirements as provided by the State Fire Marshal at <https://opensafely.la.gov/PublicLinks.aspx>.
- SECTION 7:** For elections, all persons should follow the guidelines established by the Secretary of State.
- SECTION 8:** Schools, daycares, and summer camps are to follow the guidance established by the Louisiana Department of Education (LDOE) and Louisiana Department of Health (LDH).
- SECTION 9:** Enforcement of these requirements will be handled by the Shreveport Police Department. Enforcement measures may include, but are not limited to, revocation of a business' ability to remain open under Phase Two guidelines and cessation of water service to the business. Businesses holding Alcoholic Beverage Outlet permits from the City are also advised that the right to maintain such permits is contingent on the business following all applicable laws, including those contained in these guidelines or any subsequently issued by the City.
- If a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a personal protective mask or face covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the criminal law and any other laws that the worker, customer, and patron may violate.
- SECTION 10:** The provisions established herein shall be effective from 5:00p on July 8, 2020 through 11:59p on August 8, 2020.

The City Attorney is directed to file this declaration promptly in the office of the Clerk of Court.

WITNESS my hand in Shreveport, Louisiana this 8th day of July, 2020.



ADRIAN PERKINS, MAYOR

CELCOG, L.L.C. dba STRAWN'S EAT SHOP
TOO, MONJUNI'S OF PORTICO, INC., AIR
U SHREVEPORT, LLC, THE BRAIN TRAIN,
LLC, and BEARING SERVICE & SUPPLY, INC.

NUMBER 624744

SECTION B

JUDGE CRAIG MARCOTTE

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1ST JUDICIAL DISTRICT COURT

ADRIAN PERKINS, in his official capacity
as MAYOR OF THE CITY OF SHREVEPORT,
LOUISIANA

PARISH OF CADDO

STATE OF LOUISIANA

AFFIDAVIT OF VERIFICATION

STATE OF LOUISIANA

PARISH OF CADDO

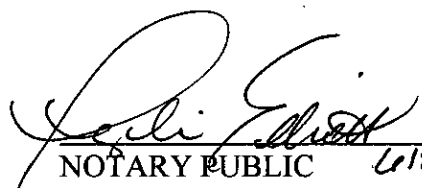
BEFORE ME, undersigned authority, personally came and appeared DONESA WALKER,
who, after being duly sworn, deposed and stated:

- 1) She is a member of THE BRAIN TRAIN, LLC and acts as the managing member,
managing and operating the business of the company.
- 2) THE BRAIN TRAIN, LLC is a cognitive learning facility located at 8856 Youree Drive,
Suite D, Shreveport, Louisiana 71115.
- 3) THE BRAIN TRAIN, LLC has already suffered severe economic and business disruption
due to COVID-19.
- 4) THE BRAIN TRAIN, LLC stands to suffer irreparable economic loss due to the Mayor
Perkins' Order of July 8, 2020.
- 5) She has read the foregoing petition for declaratory and injunctive relief and for a temporary
restraining order and knows the contents thereof and the statements contained therein are
true and correct to the best of her knowledge, information and belief.

SWORN TO AND SUBSCRIBED before me, Notary Public, on this 10th day of
July, 2020.



DONESA WALKER, Member/Manager
THE BRAIN TRAIN, LLC



NOTARY PUBLIC 61567

CELCOG, L.L.C. dba STRAWN'S EAT SHOP
TOO, MONJUNI'S OF PORTICO, INC., AIR
U SHREVEPORT, LLC, THE BRAIN TRAIN,
LLC, and BEARING SERVICE & SUPPLY, INC.

NUMBER 624744

SECTION B

JUDGE CRAIG MARCOTTE

VERSUS

1ST JUDICIAL DISTRICT COURT

ADRIAN PERKINS, in his official capacity
as MAYOR OF THE CITY OF SHREVEPORT,
LOUISIANA

PARISH OF CADDO

STATE OF LOUISIANA

AFFIDAVIT OF VERIFICATION

STATE OF LOUISIANA

PARISH OF CADDO

BEFORE ME, undersigned authority, personally came and appeared RICHARD
TAYLOR, who, after being duly sworn, deposed and stated:

- 1) He is the director of MONJUNI'S OF PORTICO, INC. and acts as the registered agent and director operating the business of the company.
- 2) MONJUNI'S OF PORTICO, INC. is a restaurant located at 7601 Youree Drive, Shreveport, Louisiana 71105.
- 3) MONJUNI'S OF PORTICO, INC. has already suffered severe economic and business disruption due to COVID-19.
- 4) MONJUNI'S OF PORTICO, INC. stands to suffer irreparable economic loss due to the Mayor Perkins' Order of July 8, 2020.
- 5) He has read the foregoing petition for declaratory and injunctive relief and for a temporary restraining order and knows the contents thereof and the statements contained therein are true and correct to the best of his knowledge, information and belief.

SWORN TO AND SUBSCRIBED before me, Notary Public, on this _____ day of
July, 2020.

RICHARD TAYLOR, Director
MONJUNI'S OF PORTICO, INC.

NOTARY PUBLIC

CELCOG, L.L.C. dba STRAWN'S EAT SHOP
TOO, MONJUNI'S OF PORTICO, INC., AIR
U SHREVEPORT, LLC, THE BRAIN TRAIN,
LLC, and BEARING SERVICE & SUPPLY, INC,

NUMBER _____

DIVISION _____

JUDGE _____

VERSUS

1ST JUDICIAL DISTRICT COURT

ADRIAN PERKINS, in his official capacity
as MAYOR OF THE CITY OF SHREVEPORT,
LOUISIANA

PARISH OF CADDO

STATE OF LOUISIANA

AFFIDAVIT OF VERIFICATION

STATE OF LOUISIANA

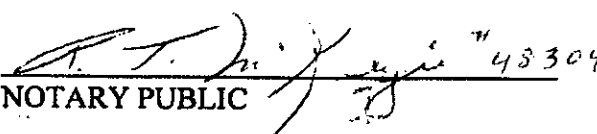
PARISH OF CADDO

BEFORE ME, undersigned authority, personally came and appeared JOHN S. HARKEY,
who, after being duly sworn, deposed and stated:

- 1) He is the president of BEARING SERVICE & SUPPLY, INC. and acts as the registered agent and director operating the business of the company.
- 2) BEARING SERVICE & SUPPLY, INC. is a bearing supplier located at 1327 N. Market Street, Shreveport, Louisiana 71107.
- 3) BEARING SERVICE & SUPPLY, INC. has already suffered severe economic and business disruption due to COVID-19.
- 4) BEARING SERVICE & SUPPLY, INC. stands to suffer irreparable economic loss due to the Mayor Perkins' Order of July 8, 2020.
- 5) He has read the foregoing petition for declaratory and injunctive relief and for a temporary restraining order and knows the contents thereof and the statements contained therein are true and correct to the best of his knowledge, information and belief.

SWORN TO AND SUBSCRIBED before me, Notary Public, on this 10 day of July, 2020.


JOHN S. HARKEY, President/Director
BEARING SERVICE & SUPPLY, INC.


NOTARY PUBLIC 43304

CELCOG, L.L.C. dba STRAWN'S EAT SHOP
TOO, MONJUNI'S OF PORTICO, INC., AIR
U SHREVEPORT, LLC, THE BRAIN TRAIN,
LLC, and BEARING SERVICE & SUPPLY, INC.

NUMBER 624744

SECTION B

JUDGE CRAIG MARCOTTE

VERSUS

1ST JUDICIAL DISTRICT COURT

ADRIAN PERKINS, in his official capacity
as MAYOR OF THE CITY OF SHREVEPORT,
LOUISIANA

PARISH OF CADDO

STATE OF LOUISIANA


ORDER

CONSIDERING THE FOREGOING petition for temporary restraining order against ADRIAN PERKINS, in his official capacity as MAYOR OF THE CITY OF SHREVEPORT:

IT IS ORDERED that GLENN L. LANGLEY, attorney for PLAINTIFFS, is appointed as Private Process Server and granted the power to serve MAYOR PERKINS with the Petition for Declaratory Judgment and Injunctive Relief and this signed Order by delivery to the office of the Mayor and to the City Attorney for the City of Shreveport via electronic mail,

IT IS FURTHER ORDERED that all parties appear before this Court, in Chambers, on the 14 day of July, 2020 at 9:30 to review and discuss the application for temporary restraining order.

ORDERED AND SIGNED this 10 day of July, 2020 at Shreveport, Caddo Parish, Louisiana.



JUDGE CRAIG MARCOTTE
First Judicial District Court
Caddo Parish, Louisiana

CELCOG, L.L.C. dba STRAWN'S EAT SHOP
TOO, MONJUNI'S OF PORTICO, INC., AIR
U SHREVEPORT, LLC, THE BRAIN TRAIN,
LLC, and BEARING SERVICE & SUPPLY, INC.

NUMBER 624744

SECTION B

JUDGE CRAIG MARCOTTE

VERSUS

1ST JUDICIAL DISTRICT COURT

ADRIAN PERKINS, in his official capacity
as MAYOR OF THE CITY OF SHREVEPORT,
LOUISIANA

PARISH OF CADDO

STATE OF LOUISIANA

AFFIDAVIT OF VERIFICATION


STATE OF LOUISIANA

PARISH OF CADDO

BEFORE ME, undersigned authority, personally came and appeared CELESTE
GAUTHIER TATUM, who, after being duly sworn, deposed and stated:

- 1) She is a member of CELCOG, L.L.C. and acts as a manager and the registered agent for the company.
- 2) CELCOG, L.L.C. is doing business as STRAWN'S EAT SHOP TOO located at 7803 Youree Drive, Shreveport, Louisiana 71105.
- 3) STRAWN'S EAT SHOP TOO has already suffered severe economic and business disruption due to COVID-19.
- 4) STRAWN'S EAT SHOP TOO stands to suffer irreparable economic loss due to the Mayor Perkins' Order of July 8, 2020.
- 5) She has read the foregoing petition for declaratory and injunctive relief and for a temporary restraining order and knows the contents thereof and the statements contained therein are true and correct to the best of her knowledge, information and belief.

SWORN TO AND SUBSCRIBED before me, Notary Public, on this 10th day of
July, 2020.


CELESTE GAUTHIER TATUM, Member
CELCOG, L.L.C. dba STRAWN'S
EAT SHOP TOO


NOTARY PUBLIC 61567

CELCOG, L.L.C. dba STRAWN'S EAT SHOP
TOO, MONJUNI'S OF PORTICO, INC., AIR
U SHREVEPORT, LLC, THE BRAIN TRAIN,
LLC, and BEARING SERVICE & SUPPLY, INC.

NUMBER _____

DIVISION _____

JUDGE _____

VERSUS

1ST JUDICIAL DISTRICT COURT

ADRIAN PERKINS, in his official capacity
as MAYOR OF THE CITY OF SHREVEPORT,
LOUISIANA

PARISH OF CADDO

STATE OF LOUISIANA

AFFIDAVIT OF VERIFICATION

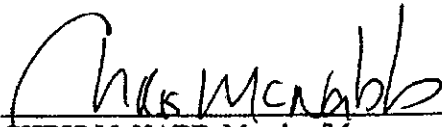
STATE OF LOUISIANA

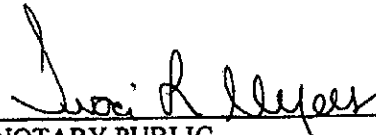
PARISH OF CADDO

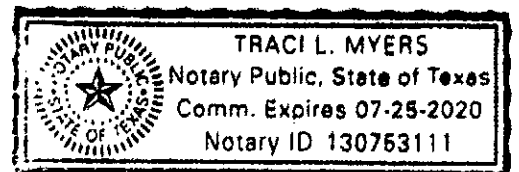
BEFORE ME, undersigned authority, personally came and appeared CHRIS McNABB,
who, after being duly sworn, deposed and stated:

- 1) He is a member of AIR U SHREVEPORT, LLC and acts as the managing member,
managing and operating the business of the company.
- 2) AIR U SHREVEPORT, LLC is a trampoline park located at 424 Ashley Ridge, Shreveport,
Louisiana 71106.
- 3) AIR U SHREVEPORT, LLC has already suffered severe economic and business disruption
due to COVID-19.
- 4) AIR U SHREVEPORT, LLC stands to suffer irreparable economic loss due to the Mayor
Perkins' Order of July 8, 2020.
- 5) He has read the foregoing petition for declaratory and injunctive relief and for a temporary
restraining order and knows the contents thereof and the statements contained therein are
true and correct to the best of his knowledge, information and belief.

SWORN TO AND SUBSCRIBED before me, Notary Public, on this 10th day of
July, 2020.


CHRIS McNABB, Member/Manager
AIR U SHREVEPORT, LLC


NOTARY PUBLIC



CELCOG, L.L.C. dba STRAWN'S EAT SHOP
TOO, MONJUNI'S OF PORTICO, INC., AIR
U SHREVEPORT, LLC, THE BRAIN TRAIN,
LLC, and BEARING SERVICE & SUPPLY, INC.

NUMBER 624744

SECTION B

JUDGE CRAIG MARCOTTE

VERSUS

1ST JUDICIAL DISTRICT COURT

ADRIAN PERKINS, in his official capacity
as MAYOR OF THE CITY OF SHREVEPORT,
LOUISIANA

PARISH OF CADDO

STATE OF LOUISIANA

ORDER

PLAINTIFFS have filed a motion for temporary restraining order against MAYOR PERKINS alleging that MAYOR PERKINS entered an executive order on July 8, 2020 (the "Order") which is unenforceable as he has no authority to issue executive orders enforceable by civil or criminal penalties, that this said Order would put PLAINTIFFS at significant risk of irreparable damage, and that this restraining order is necessary in an attempt to preserve the businesses and their significant investments while relief is sought. PLAINTIFFS also show that MAYOR PERKINS could cause significant irreparable damage to the businesses of PLAINTIFFS almost instantaneously,

After careful consideration of the record, the Court finds that the Petition for Declaratory Judgment and Injunctive Relief is due to be granted. The procedural requirements for issuing a temporary restraining order are satisfied. An Affidavit from all petitioners has been filed evidencing the potential for irreparable injury.

Accordingly, **IT IS ORDERED** that a Temporary Restraining Order is GRANTED and MAYOR PERKINS is ORDERED to:

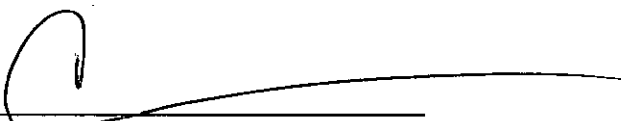
- 1) Refrain from enforcing the Order, including, without limitation, via any penalty;
- 2) Refrain from ordering or conducting any searches or inspections based on purported violations of the Order or to determine compliance with the Order.
- 3) Refrain from taking any action or inaction that could or may result in irreparable damage to businesses within the City of Shreveport.

IT IS FURTHER ORDERED that an evidentiary hearing is set for July 20
2020 at 9:30 am to determine whether to convert the Temporary Restraining Order into a Preliminary Injunction;

IT IS FURTHER ORDERED that MAYOR PERKINS is ordered to respond to the motion for preliminary injunction prior to the hearing by 5:00pm on July 16, 2020.

IT IS FURTHER ORDERED that PLAINTIFFS are directed that they may file a reply to MAYOR PERKINS' response by 5:00pm on July 17, 2020.

ORDERED AND SIGNED this 16 day of July, 2020 at Shreveport, Caddo Parish, Louisiana.



JUDGE CRAIG MARCOTTE
First Judicial District Court
Caddo Parish, Louisiana

Citation

CELCOG LLC DBA ETAL
VS
ADRIAN PERKINS ETAL

NO. 624744- B
STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

THE STATE OF LOUISIANA, TO: HONORABLE ADRIAN PERKINS, MAYOR OF THE CITY OF SHREVEPORT, LA

YOU HAVE BEEN SUED.

Attached to this Citation is a certified copy of the Petition.* The petition tells you what you are being sued for.

You must EITHER do what the petition asks, OR, within FIFTEEN (15) days after you have received these documents, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Caddo Parish Court House, 501 Texas Street, Room 103, Shreveport, Louisiana.

If you do not do what the petition asks, or if you do not file an answer or legal pleading within FIFTEEN (15) days, a judgment may be entered against you without further notice.

This Citation was issued by the Clerk of Court for Caddo Parish, on this date July 10, 2020.

*Also attached are the following:

MIKE SPENCE, CLERK OF COURT

_____ REQUEST FOR ADMISSIONS OF FACTS

_____ INTERROGATORIES

_____ REQUEST FOR PRODUCTION OF DOCUMENTS

By: _____

Deputy Clerk

GLENN L LANGLEY

Attorney

FILE COPY

Temporary Restraining Order

CELCOG LLC DBA ETAL
VS
ADRIAN PERKINS ETAL

NO. 624744 -- B
STATE OF LOUISIANA
PARISH OF CADDO
FIRST JUDICIAL DISTRICT COURT

THE STATE OF LOUISIANA, TO: HONORABLE ADRIAN PERKINS, MAYOR OF THE CITY OF SHREVEPORT, LA

GREETINGS:

YOU ARE HEREBY ORDERED, RESTRAINED, ENJOINED, AND PROHIBITED, in the name of the State of Louisiana and of this Honorable Court from all that is CONTAINED IN THE ATTACHED CERTIFIED ORDER.

ALL as prayed for in the petition this day filed, a copy of which is attached hereto and made a part hereof.

AND herein fail not.

WITNESS the Honorable Judges of our Court on this date July 10, 2020.

MIKE SPENCE, CLERK OF COURT

GLENN L LANGLEY
Attorney

By: _____
Deputy Clerk

FILE COPY