

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA

NUMBER: C-700923

DIVISION: 23

GOVERNOR JOHN BEL EDWARDS

VERSUS

LOUISIANA STATE LEGISLATURE, LOUISIANA HOUSE OF REPRESENTATIVES, AND
CLAY SCHEXNAYDER, IN HIS OFFICIAL CAPACITY AS SPEAKER OF THE
LOUISIANA HOUSE OF REPRESENTATIVES

FINAL JUDGMENT

On November 12, 2020, the following matters came before the court for hearing and trial:

1. Dilatory Exception of Lack of Procedural Capacity, Declinatory Exception of Lack of Subject Matter Jurisdiction, Dilatory Exception of Improper Cumulation of Actions, and Peremptory Exception of No Cause of Action filed by the Louisiana Legislature and the Louisiana House of Representatives;
2. Declinatory Exception of Lack of Subject Matter Jurisdiction, Dilatory Exception of Improper Cumulation of Actions, Dilatory Exception of Prematurity, and Peremptory Exception of No Cause of Action, filed on behalf of Clay Schexnayder, in his Official Capacity as Speaker of the Louisiana House of Representatives;
3. Declinatory Exception of Lack of Subject Matter Jurisdiction, Dilatory Exception of Improper Cumulation of Actions, Peremptory Exception of No Cause of Action, and Peremptory Exception of No Right of Action filed on behalf of the State of Louisiana, by and through the Attorney General;
4. Speaker Clay Schexnayder's Motion to Strike;
5. Speaker Clay Schexnayder's Reconventional Demand for Mandamus;
6. Speaker Clay Schexnayder's Preliminary Injunction;
7. Governor John Bel Edwards's Preliminary Injunction;

8. By the consent of the parties, Governor John Bel Edwards's request for declaratory relief in the "First Supplemental and Amended Petition for Declaratory and Injunctive Relief."¹ **as to the issue of the constitutionality and severability of R.S. 29:768(B) only** Present were the following:

- a) Matthew F. Block, Tina Vanichchagorn, James M. Garner, Joshua S. Force, Christopher T. Chocheles, and Jack M. Weiss for Governor John Bel Edwards
- b) Elizabeth Baker Murrill, Angelique Duhon Freel, and Alexander T. Reinboth for Clay Schexnayder, in his official capacity as Speaker of the Louisiana House of Representatives
- c) Emily Andrews and David Jeddie Smith, Jr. for the Louisiana Legislature and the House of Representatives
- d) Jeff Landry, Elizabeth Baker Murrill, and Angelique Duhon Freel, for the State of Louisiana and the Attorney General

After reviewing the record, pleadings, memoranda, law, and the arguments of counsel at the trial on November 12, 2020, and for the oral reasons given at the trial of the exceptions:

1. **IT IS ORDERED, ADJUDGED, AND DECREED** that there be judgment in favor of the Defendants, Louisiana Legislature and the Louisiana House of Representatives, and against Governor John Bel Edwards, **SUSTAINING** the Dilatory Exception of Lack of Procedural Capacity;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, based on this Court's ruling granting the Dilatory Exception of Lack of Procedural Capacity, all remaining exceptions filed by the Louisiana Legislature and the Louisiana House of Representatives are **MOOT**;

2. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Declatory Exception of Lack of Subject Matter Jurisdiction filed by Speaker Clay Schexnayder is **SUSTAINED IN PART** (**SUSTAINED** as to Item Numbers 5 and 7 of the Governor's Prayer for Relief in his First Supplemental and Amended Petition for Declaratory and Injunctive Relief to the extent that the Governor requests relief for any order, proclamation, or guidance that has not been issued) in favor of the Speaker and against the Governor, and **DENIED IN PART** (**DENIED** as to the Governor's claim of unconstitutionality of La. R.S. 29:768(B) and as to claim that the

¹ On agreement of the Court and the parties, the issue of whether the House of Representatives issued the Petition to Terminate Public Health Emergency "in consultation with the public health authority," is reserved only in the event the Supreme Court reverses on the constitutional issue and remands for further proceedings.

House's Petition should be declared null and void) in favor of the Governor and against the Speaker;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Dilatory exception of Improper Cumulation, Dilatory Exception of Prematurity, and Peremptory Exception of No Cause of Action filed by the Speaker are **DENIED** in favor of the Governor and against the Speaker;

3. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** the Declinatory Exception of Lack of Subject Matter Jurisdiction, Peremptory Exception of No Cause of Action, and Peremptory Exception of No Right of Action filed by the State of Louisiana, through the Attorney General are **DENIED** in favor of the Governor and against the State of Louisiana through the Attorney General.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Dilatory Exception of Improper Cumulation is **DENIED**, on the basis that the State of Louisiana through the Attorney General orally waived the exception at the time of hearing.

4. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Motion to Strike filed by Speaker Clay Schexnayder as to the affidavits filed by the Governor attached to his "Opposition to the Speaker's Request for Writ of Mandamus and Preliminary Injunction" and "Omnibus Memorandum in Support of Claims for Declaratory and Injunctive Relief" is **GRANTED** and the affidavits are hereby ordered **STRICKEN**;

5. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that there be judgment in favor of the Governor John Bel Edwards, **DENYING** Speaker Clay Schexnayder's Reconventional Demand for Mandamus.

~~**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Speaker's Reconventional Demand for Mandamus is dismissed without prejudice.~~ **WAM**

6. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the oral motion to voluntarily dismiss Speaker Clay Schexnayder's Preliminary Injunction is **GRANTED**. The Speaker's preliminary injunction is dismissed without prejudice.

7. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the oral motion to voluntarily dismiss Governor John Bel Edwards's Preliminary Injunction is **GRANTED**. The Governor's preliminary injunction is dismissed without prejudice.

8. **IT IS ORDERED, ADJUDGED, AND DECREED** that La. R.S. 29:768(B) is hereby declared unconstitutional;

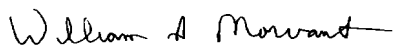
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that La. R.S. 29:768(B) is severable from the remainder of the Louisiana Health Emergency Powers Act;

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Governor's request that the October 23, 2020 Petition to Terminate State of Public Health Emergency be declared null, void, and unenforceable is therefore **GRANTED**.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Governor's request for a declaration that La. R.S. 29:768(B) is unconstitutional and should be severed from the Louisiana Health Emergency Powers Act, La. R.S. 29:760-775, is hereby **GRANTED** in favor of the Governor and **AGAINST** the Speaker and the State, through the Attorney General; and

IT IS FURTHER ORDERED, ADJUDGED, DECREED that this shall constitute a final judgment pursuant to La. Code Civ. P. art. 1911.

THUS DONE AND SIGNED ON THIS 30 day of November 2020, in Baton Rouge, Louisiana.



JUDGE WILLIAM MORVANT
19th Judicial District Court

I HEREBY CERTIFY THAT ON THIS DAY A COPY OF
THE WRITTEN REASONS FOR JUDGMENT /
JUDGMENT / ORDER / COMMISSIONER'S
RECOMMENDATION WAS MAILED BY ME WITH
SUFFICIENT POSTAGE AFFIXED.
SEE ATTACHED LETTER FOR LIST OF RECIPIENTS.

DONE AND MAILED ON December 3, 2020


DEPUTY CLERK OF COURT

RULE 9.5 CERTIFICATE

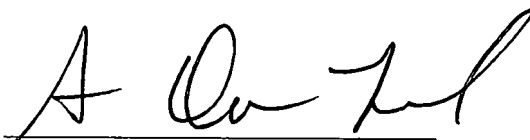
I HEREBY CERTIFY that I have delivered this proposed final judgment to counsel for all parties by email on November 16, 2020, an opposition was received for the reasons specified in the letter to this Honorable Court dated November 18, 2020, and as set forth in the correspondence attached as Exhibit 1 to the letter:

Ruling Judge: Judge William Morvant

Chambers Address: 19th Judicial District Court, Division E
300 North Boulevard
Suite 3401
Baton Rouge, LA 70801

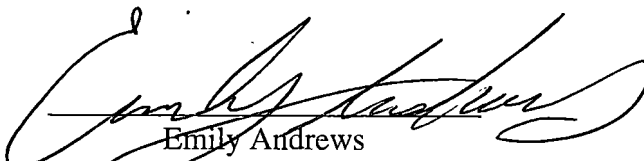
Case Caption: *Edwards v. Legislature, et al.*, 19th JDC, Docket No. C-700923

Date of trial/hearing: November 12, 2020



Angelique Duhon Freel

*Attorney for the Attorney General on behalf of the State of Louisiana and for Clay Schexnayder,
in his official capacity as Speaker of the Louisiana House of Representatives*



Emily Andrews

Attorney for the Louisiana Legislature and the Louisiana House of Representatives