

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DO NO HARM, a nonprofit corporation
incorporated in the State of Virginia

Plaintiff,

v.

JOHN BEL EDWARDS, in his official
capacity as Governor of Louisiana,

Defendants.

No. 5:24-cv-00016 – JE,Jr. - JMH

ANSWER TO PLAINTIFF’S COMPLAINT

NOW INTO COURT, through undersigned counsel, comes Jeff Landry, in his official capacity as the Governor for the State of Louisiana as successor in office to Governor John Bel Edwards (the “Governor”) who denies each and every allegation contained in Plaintiff’s Complaint, express or implied, to the extent not expressly admitted herein. The Governor responds as follows:

AFFIRMATIVE DEFENSES

Lack of Subject Matter Jurisdiction

Plaintiff lacks standing to bring this action under the Lujan requisites in that they cannot show that they have suffered an actual injury nor that an order of this Court would redress any grievance asserted in the Complaint. Nor does Plaintiff allege with sufficient particularity that it has organizational or associational standing.

Failure to State a Claim Upon Which Relief Can be Granted

The Governor asserts that the Plaintiff's claims should be dismissed in that plaintiff does not allege a violation of the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Good Faith

All actions taken by the Governor and the Legislature with respect to the Plaintiff and the challenged statute, at all times relevant to this action, were taken in good faith for legitimate non-discriminatory reasons.

ANSWER

INTRODUCTION

1.

The allegations contained in Paragraph 1 are denied for lack of sufficient information to justify a belief therein or form a response thereto.

2.

The allegations contained in Paragraph 2 are denied.

3.

The allegations contained in Paragraph 3, are denied for lack of sufficient information to justify a belief therein or form a response thereto.

JURISDICTION AND VENUE

4. – 5.

The allegations contained in Paragraphs 4 and 5, which are legal conclusions that do not require a response, are denied for lack of sufficient information to justify a belief therein or form a response thereto.

PARTIES

6.

The allegations contained in Paragraph 6 are denied for lack of sufficient information to justify a belief therein or form a response thereto.

7.

The allegations contained in Paragraph 7 are denied for lack of sufficient information to justify a belief therein or form a response thereto. Further answering, Jon Bel Edwards no longer holds the position of Governor and Jeff Landry is the successor in office and current Governor.

FACTUAL ALLEGATIONS

8.

The allegations contained in Paragraph 8 are denied for lack of sufficient information to justify a belief therein or form a response thereto.

9. – 13.

The allegations contained in Paragraphs 9 – 13, which are legal conclusions that do not require a response, are denied for lack of sufficient information to justify a belief therein or form a response thereto; and the Governor refers the Court to the referenced statutes, which speak for themselves.

14. – 15.

The allegations contained in Paragraphs 14 and 15 are denied for lack of sufficient information to justify a belief therein or form a response thereto; and the Governor refers the Court to the referenced statute, which speaks for itself.

16.

The allegations contained in Paragraph 16 are denied for lack of sufficient information to justify a belief therein or form a response thereto.

17.

The allegations contained in Paragraph 17 are denied for lack of sufficient information to justify a belief therein or form a response thereto; and the Governor refers the Court to the referenced statute, which speaks for itself.

18. – 19.

The allegations contained in Paragraphs 18 and 19 are denied for lack of sufficient information to justify a belief therein or form a response thereto.

CAUSE OF ACTION

20.

To the extent Plaintiffs repeat and re-allege all prior paragraphs as if fully set forth in this count, the Governor reiterates all prior responses.

21.

The allegations contained in Paragraph 21 are denied for lack of sufficient information to justify a belief therein or form a response thereto; and the Governor refers the Court to the referenced constitutional amendment, which speaks for itself.

22.

The allegations contained in Paragraph 22 are denied for lack of sufficient information to justify a belief therein or form a response thereto; and the Governor refers the Court to the referenced statute, which speaks for itself.

23. – 27.

The allegations contained in Paragraphs 23 – 27, which are legal conclusions that do not require a response, are denied for lack of sufficient information to justify a belief therein or form

a response thereto; and the Governor refers the Court to the referenced statute, which speaks for itself.

PRAYER FOR RELIEF

The allegations contained in Plaintiff's Prayer for Relief, to the extent a lack of an adequate legal remedy and irreparable injury are alleged, are denied. All other allegations contained in Plaintiff's prayer for relief are denied.

And now further answering Plaintiff's Complaint, the Governor submits the following:

1.

To the extent the Attorney General has not sufficiently answered the allegations constituting the Plaintiffs' arguments that La. R.S. 37:1263(B) is unconstitutional, those allegations are denied.

2.

Plaintiff is not entitled to injunctive relief because Plaintiff cannot establish that Plaintiff will suffer an irreparable injury nor is Plaintiff likely to succeed on the merits.

3.

Additional defenses have not been alleged herein due to the unavailability of all facts, after reasonable inquiry, necessary to determine what additional defenses may be available; the Governor, therefore, expressly reserves the right to amend this Answer to assert additional defenses, as further investigation and discovery shall warrant.

4.

The Governor will submit additional memoranda in support of the constitutionality of La. R.S. 37:1263(B) when directed by this Honorable Court.

WHEREFORE, Defendant Jeff Landry, in his official capacity as Governor for the State of Louisiana, prays that the Governor's Answer to Plaintiff's Complaint and Affirmative Defenses be deemed good and sufficient, and after due proceedings that the demands of the Plaintiff be dismissed with prejudice, at Plaintiff's cost.

Respectfully submitted,

JEFF LANDRY
ATTORNEY GENERAL

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*Counsel for Jeff Landry, in his official
capacity as Governor of the State of
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CERTIFICATE OF SERVICE

I do hereby certify that, on this 28th day of February, 2024, the foregoing was filed electronically with the Clerk of Court using the CM/ECF system which gives notice of filing to all counsel of record.

/s/ Carey T. Jones
Carey T. Jones (#07474)