

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF LAFAYETTE  
STATE OF LOUISIANA

NO. 90,830

DIVISION: B

ST. MARTIN PARISH GOVERNMENT

v.

BILLY BROUSSARD ET AL.

\*\*\*\*\*

MOTION AND ORDER FOR CONTINUANCE

NOW UNTO COURT, in proper person, comes Billy Broussard, who respectively moves this court as follows:

1.

The hearing on Rule to Show Cause on the issuance of a Preliminary Injunction is scheduled for Tuesday, March 22, 2022 at 9:00 a.m.

2.

Defendant's prior counsel, Michael Adley, filed a Motion to Withdraw as Counsel for Defendant on February 16, 2022. That Motion was unopposed by Plaintiff's Counsel, and Judge Lewis H. Pitman, Jr., signed an Order granting the Withdrawal of Mr. Adley as Counsel for Defendant on February 17, 2022,.

3.

Defendant has actively pursued obtaining counsel to represent him since the time of Mr. Adley's withdrawal.

4.

On Thursday, March 3, 2022, Defendant was notified via email sent by Plaintiff's Counsel that Plaintiff had Moved this Honorable Court for the subject Temporary Restraining Order to be reissued and for the Rule to Show Cause on the issuing of a Preliminary Injunction to be Reset for Hearing.

5.

Upon obtaining this notification, Defendant immediately contacted one of the attorneys whom he has been attempting to procure to represent him since the time of Mr. Adley's withdrawal.

6.

Though that attorney expressed only tepid interest in ~~potentially representing~~ Defendant, she did schedule a meeting to further discuss the case in detail at her office on the date of Wednesday, March 9, 2022 at 2:00 p.m.

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2022 MAR -9 AM 11:14

DEPUTY CLERK OF COURT  
ST. MARTIN PARISH

7.

The attorney referenced in Paragraph 6 above has not committed that she will file a Motion to Enroll as Counsel for Defendant; however, she indicated that, if she does, her first filing will be a Motion for Continuance in order for her to become more knowledgeable about the case to adequately fulfill her role to properly represent Defendant.

8.

Defendant is represented by another attorney for another matter, and Defendant inquired of him if he would file a Motion to Enroll as Counsel for Defendant.

9.

The attorney referenced in Paragraph 8 above indicated he is "swamped" with a huge caseload at the present time and would only agree to file a Motion to Enroll as Counsel for Defendant if all other options Defendant has, including the attorney referenced in Paragraph Six, fail. He too indicated that his first action would be to file a Motion to Continue the hearing set for March 22, 2022 at 9:00 a.m. for the same reasons as stated by the attorney in Paragraph 7.

10.

Plaintiff both sought and received permission to haul and dump its own debris onto Defendant's property on the following dates and approximate times:

1. February 22, 2022 at 11:33 a.m.
2. February 22, 2022 at 12:00 noon.
3. February 23, 2022 at 1:02 p.m.
4. February 24, 2022 at 8:51 a.m.
5. February 24, 2022 at 9:17 a.m.
6. February 24, 2022 at 11:27 a.m.
7. February 24, 2022 at 12:59 p.m.
8. February 24, 2022 at 1:24 p.m.
9. February 24, 2022 at 1:47 p.m.
10. February 24, 2022 at 2:17 p.m.
11. March 2, 2022 at 10:16 a.m.
12. March 2, 2022 at 11:14 a.m.
13. March 2, 2022 at 11:47 a.m.
14. March 2, 2022 at 12:27 p.m.

11.

Exhibit D-1, which is attached hereto and made a part hereof, is submitted as evidence of the hauling and dumping by Plaintiff referenced in Paragraph 10 onto Defendant's property at 1675 Duchamp Road. That evidence is comprised of color photos captured by Defendant's security cameras clearly depicting Plaintiff's trucks loaded with debris either entering or exiting Defendant's property.

12.

Defendant is of the belief that the Temporary Restraining Order Obtained by Plaintiff is illegal; furthermore, Defendant further believes that the relief sought by Plaintiff is barred by the Doctrine of Unclean Hands made evident by the documented hauling and dumping of its own debris onto Defendant's property as outlined in Paragraphs 10 and 11 above. Furthermore, Defendant informed Plaintiff of the fact debris was being hauled and dumped onto his property at the St. Martin Parish Council Meeting of Wednesday, March 2, 2022, and Plaintiff, despite having actual knowledge of its own actions which are identical to those for which Plaintiff seeks to enjoin Defendant, nevertheless proceeded the next day, March 3, 2022 to present this Honorable Court with an illegal Temporary Restraining Order which has now been signed by this Honorable Court.

13.

Prior to withdrawing as Counsel for Defendant, Mr. Adley, in addition to filing the Pre-Trial Memorandum on behalf of Defendant, also drafted an Answer and Reconvotional Demand against Plaintiff for the filing of an illegal Temporary Restraining Order and seeking for the Petition for Preliminary Injunction to be denied/dismissed with prejudice, for any Temporary Restraining Order to be vacated, and that, "Defendants be awarded all damages, including attorney's fees, pursuant to La. Code Civ. P. art. 3608."

14.

Upon successfully obtaining Counsel to represent Defendant, Defendant will supply the entire file which Mr. Adley supplied to Defendant upon his withdrawal as Counsel for Defendant to his newly-hired Counsel for the purpose of Defendant filing a Cause of Action against Plaintiff for its egregious conduct entailing this litigation.

15.

Due to the extensive work of Mr. Adley referenced in Paragraph 13, Defendant believes that the "learning curve" of new Counsel will be expedited given Mr. Adley's work on this case prior to his decision to withdraw as Counsel for Defendant.

16.

While procuring Counsel to replace Mr. Adley has proven more difficult than Defendant would have hoped, he remains optimistic of having retained such Counsel and for that Counsel to have filed a formal Motion to Enroll in this litigation no later than Wednesday, April 5, 2022.

17.

Though Defendant is of the conviction that Plaintiff's Temporary Restraining Order is illegal, Defendant assures this Honorable Court that, since it has been signed, he will honor it until its expiration. However, he also intends, whether he has succeeded in obtaining legal Counsel or not upon its expiration, to vigorously oppose any efforts by Plaintiff to renew and extend the Temporary Restraining Order because of his steadfast belief, and that of his prior Counsel, that the Restraining Order is illegal.

18.

There is clearly no potential harm to the public nor is Plaintiff's position in this case harmed in any way by the granting by the Honorable Court of the Continuance as Plaintiff has engaged in the same identical conduct for which it seeks to enjoin Defendant from engaging in literally as recently as seven (7) days prior to the date of the filing of the Motion to Continue and, as mentioned in Paragraph 12, for which Plaintiff had actual knowledge of that action prior to filing the present Temporary Restraining Order and Motion to Reset Preliminary Injunction. Furthermore, if Defendant's activities constituted acts of harm to the public, it begs the question of why Plaintiff permitted Defendant to resume all of his prior acts on September 14, 2022 pending the entering into the "compromise agreement" proposed by Plaintiffs on that same date.

20.

Petitioner contacted Counsel for Plaintiff via email on Monday, March 7, 2022 at 4:39 p.m. and inquired if he had opposition to this Motion and Order for Continuance.

21.

Plaintiff's Counsel replied to the email referenced in Paragraph 18 on Tuesday, March 8, 2022 at 11:37 a.m. stating, "At this time I can not agree to a continuance request for March 22, 2022. Please note my opposition, on behalf of SMPG, in your Motion. Should you find an attorney prior to the hearing, please have them reach (sic) to me. I also ask that you copy me on the filing of the continuance request simultaneously when you file this request."

22.

Defendant's email to Plaintiff's Counsel and his response to that email are attached hereto and made a part hereof and labeled as Exhibit D-2.

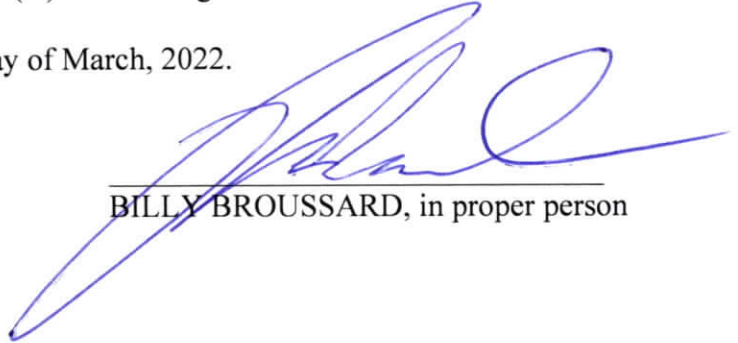
SERVICE INFORMATION ON NEXT PAGE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing instrument has this day been served on all parties through their counsel of record in this proceeding by:

- Hand Delivery                       Prepaid U.S. Mail                       Email  
 Facsimile                               Overnight Mail Service

Breaux Bridge, Louisiana, this 9<sup>th</sup> day of March, 2022.



BILLY BROUSSARD, in proper person

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF LAFAYETTE  
STATE OF LOUISIANA

NO. 90,830

DIVISION: B

ST. MARTIN PARISH GOVERNMENT

v.

BILLY BROUSSARD ET AL.

\*\*\*\*\*

ORDER

Considering the foregoing Motion to Continue;

IT IS HEREBY ORDERED that the hearing on Preliminary Injunction currently  
scheduled for Tuesday, March 22, 2022, be and is hereby continued until \_\_\_\_\_  
at \_\_\_\_\_ o'clock a.m. p.m.

**READ AND SIGNED** in St. Martinville, Louisiana this \_\_\_\_\_ day of \_\_\_\_\_,  
2022.

\_\_\_\_\_  
16<sup>th</sup> Judicial District Judge

#1

Feb 22, 2022 at 11:33 AM



0:02



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D-7

#3

Feb 22, 2022 at 12:00 PM



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#1

Feb 23, 2022 at 1:02 PM



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#1

Feb 24, 2022 at 8:51 AM



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#1

Feb 24, 2022 at 9:17 AM



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#1

Feb 24, 2022 at 11:27 AM



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Feb 24, 2022 at 12:59 PM



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Feb 24, 2022 at 1:24 PM



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Feb 24, 2022 at 1:47 PM



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Feb 24, 2022 at 2:17 PM



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#1

Mar 2, 2022 at 11:14 AM



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#1

Mar 2, 2022 at 10:16 AM



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#1

Mar 2, 2022 at 11:47 AM



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0:20



#3

Mar 2, 2022 at 12:27 PM



0:00



0:10

**From:** [leedurio@duriolaw.com](mailto:leedurio@duriolaw.com)

**Date:** March 8, 2022 at 11:37:38 AM CST

**To:** Billy Broussard <[billy@billybroussard.com](mailto:billy@billybroussard.com)>

**Subject: RE: Motion for Continuance of Preliminary/Permanent Injunction Presently Set for 3/22 @ 9:00 a.m.**

Mr. Broussard:

At this time I can not agree to a continuance request for March 22, 2022. Please note my opposition, on behalf of SMPG, in your motion.

Should you find an attorney prior to the hearing please have them reach to me.

I also ask that you copy me on the filing of the continuance request simultaneously when you file this request.

-lee

**Lee C. Durio**

Attorney at Law

241 W. Mills Avenue

Breaux Bridge, Louisiana 70517

Phone: 337-909-1111

Fax: 337-909-1112

Email: [leedurio@duriolaw.com](mailto:leedurio@duriolaw.com)

**From:** Billy Broussard <[billy@billybroussard.com](mailto:billy@billybroussard.com)>

**Sent:** Monday, March 7, 2022 4:39 PM

**To:** [leedurio@duriolaw.com](mailto:leedurio@duriolaw.com)

**Subject:** Motion for Continuance of Preliminary/Permanent Injunction Presently Set for 3/22 @ 9:00 a.m.

Mr. Durio:

I am going to file a Motion for Continuance of the hearing presently set for SMPG v. Billy Broussard et. al. on March 22, 2022 @ 9:00 a.m. (16<sup>th</sup> JDC Docket # 90830-B). As you are aware, my prior counsel, Michael Adley, recently filed a Motion to Withdraw as Counsel which you did not oppose and which the Court signed, leaving me pro se for the time being. I seek the continuance to ensure that I can procure legal counsel to represent me at the hearing vs. being forced to argue before the Judge pro se.

Please respond to this email letting me know if I should note any opposition from you in the Motion.

Thanks.

Sent from my iPhone

D-2