

STATE OF LOUISIANA \* PARISH OF JACKSON \* 2<sup>ND</sup> JUDICIAL DISTRICT COURT

DONALD L. ESSMEIER, DALTON  
E. CRUSE AND JAMES SCHMIDT

FILED: March 26, 2012

VERSUS NO. 32,584

TOWN OF JONESBORO,  
HONORABLE LESLIE THOMPSON,  
AS MAYOR AND INDIVIDUALLY,  
HONORABLE LASTEVIC COTTONHAM,  
AS TOWN COUNCILMAN AND  
INDIVIDUALLY, HONORABLE DEVIN  
FLOWERS, AS TOWN COUNCILMAN  
AND INDIVIDUALLY, HONORABLE  
CHARLA THOMPSON, AS TOWN  
COUNCILWOMAN AND INDIVIDUALLY

BY: Melody Gates  
DEPUTY CLERK OF COURT

**DEFENDANTS' MEMORANDUM IN SUPPORT  
OF DILATORY EXCEPTION OF PREMATURETY  
AND PEREMPTORY EXCEPTION OF NO CAUSE OF ACTION**

MAY IT PLEASE THE COURT:

Defendants, TOWN OF JONESBORO, HONORABLE LESLIE THOMPSON, AS MAYOR AND INDIVIDUALLY, HONORABLE LASTEVIC COTTONHAM, AS TOWN COUNCILMAN AND INDIVIDUALLY, HONORABLE DEVIN FLOWERS, AS TOWN COUNCILMAN AND INDIVIDUALLY, HONORABLE CHARLA THOMPSON, AS TOWN COUNCILWOMAN AND INDIVIDUALLY, objects to Plaintiffs' Petition pursuant to Louisiana Code of Civil Procedure article 926.

Louisiana Civil Code of Procedure art. 926 provides for the dilatory exception of Prematurity and La. C.C.P. art. 927 provides for No Cause of Action. Louisiana Code of Civil Procedure Art. 928 states that objections may be raised through such vehicle. Such vehicle can be pleaded prior to or in the answer.

Defendants objects to Plaintiff's Petition on the grounds that on August 22, 2011, the District Court stayed the proceedings relative to this matter. On February 28, 2012, Defendants requested in their brief that the matter be stayed. In addition, on March 14, 2012, Defendants filed a Motion to Stay with the Appellate Court. Since such Motion is currently pending it would be premature for Plaintiffs to try to enforce the Judgment rendered on August 17, 2011.

Plaintiffs Petition is not riped for a Judicial Determination on whether Defendants should be held in Contempt of Court for failure to comply with the injunction when the

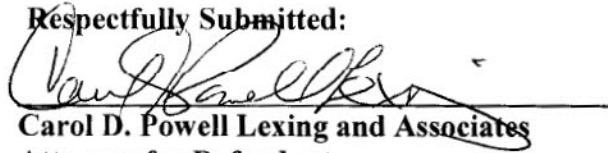
**injunction is in an Appealable Stage and a Stay is in effect. Therefore, Plaintiffs' Petition should be denied because there exist no cause of Action.**

**Conclusion**

**The stay rendered on August 22, 2011, is still in effect and alternatively a Motion For Stay is currently pending with the Second Circuit Court of Appeals. Therefore, the Judgment is currently unenforceable.**

**WHEREFORE, DEFENDANTS, PRAY that their exceptions be granted and Plaintiffs demands be dismissed with prejudice at their cost, including attorney fees.**

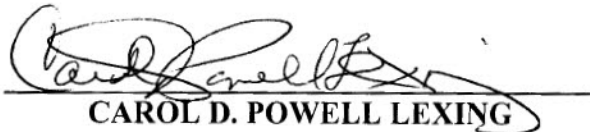
**Respectfully Submitted:**



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Bar Roll No. 21033**

**CERTIFICATE OF SERVICE**

**I hereby certify that a copy of the above foregoing Memorandum in Support of Dilatory Exception of Prematurity and Peremptory Exception of No Cause of Action has been forwarded to Bobby Culpepper, 525 East Court Avenue, Jonesboro, Louisiana 71251 by facsimile at (318) 259-6278 and Louis G. Scott, 510 Pine Street, Monroe, Louisiana 71201 by facsimile at (318) 387-9576 and U.S. Mail, postage prepaid on this 23rd day of March, 2012.**



**CAROL D. POWELL LEXING**