

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**TERRI LEWIS STEVENS, AND JENNIFER AND CRAIG
RIVERA**

VERSUS

THE ST. TAMMANY PARISH GOVERNMENT

CIVIL ACTION

NO. 20-928

SECTION "L" (1)

ORDER AND REASONS

Pending before the Court is Plaintiffs' Motion for Preliminary and Permanent Injunctive Relief, R. Doc. 15. On July 22, 2020, the Court held oral argument on this motion. For the reasons stated orally and for the reasons stated below, the Court rules as follows:

Any injunctive relief is considered an extraordinary and drastic remedy, not to be granted routinely, but only when the movant, by a clear showing, carries the burden of persuasion. *White v. Carlucci*, 862 F.2d 1209, 1211 (5th Cir. 1989). The district court may grant a preliminary injunction only if the movant establishes four requirements: first, the movant must establish a substantial likelihood of success on the merits; second, there must be a substantial threat of irreparable injury if the injunction is not granted; third, the threatened injury to the plaintiff must outweigh the threatened injury to the defendant; and fourth, the granting of the preliminary injunction must not disserve the public. The party seeking injunctive relief must satisfy a cumulative burden of proving all four requirements. The Plaintiffs in this case have problems with all four of these requirements.

The evidence does not clearly indicate that there is a substantial likelihood of success. The Plaintiffs first brought the same claims against the same defendant, St. Tammany Parish Government ("STPG") in Louisiana state court seeking similar relief over five years ago. The state

district court ruled in favor of STPG and dismissed the case. *Stevens v. St. Tammany Parish Government*, No. 2015-10649, Division “H” (Hon. Alan A. Zaunbrecher), on the docket of the 22nd Judicial District Court for the Parish of St. Tammany. The state appellate court denied relief and dismissed the appeal. *Stevens v. St. Tammany Parish Government*, No. 2020-CW-0426 (La. App. 1 Cir. 6/25/20) 2020 WL 3467713. Recently, the same Plaintiffs filed suit against the same defendant STPG for the same claims in this Court which resulted in a dismissal, mostly on the basis of *res judicata*. R. Doc. 138. With regard to the second requirement, this matter has been in various courts for over five years. The condition complained of has existed at least that long and most likely longer. There is no indication of a substantial threat of irreparable harm. The third and fourth requirements are also lacking. Accordingly,

IT IS HEREBY ORDERED that Plaintiffs’ Motion for Preliminary and Permanent Injunctive Relief, R. Doc. 15, is **DENIED**.

New Orleans, Louisiana, this 23rd day of July 2020.



ELDON E. FALLON
U.S. DISTRICT COURT JUDGE