

Ouachita Parish  
Filed Feb 17, 2023 1:59 PM  
Scarlett Allen  
Deputy Clerk of Court  
C-20230569  
CV5

STATE OF LOUISIANA  
PARISH OF OUACHITA  
IN THE  
FOURTH DISTRICT COURT

Southside Economic  
Development District  
*versus*

FILED: \_\_\_\_\_

NO. 23-0569

Douglas Harvey, et. al.

\_\_\_\_\_  
DY. CLERK OF COURT

\*\*\*\*\*  
RULING ON EXCEPTION OF NO CAUSE OF ACTION  
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Introduction

Considering the above captioned matter and the previously filed Exception To Plaintiff's Petition For Injunctive Relief And Incorporated Memorandum submitted on behalf of the Defense in this cause, and considering the averments contained therein, and considering the "arguments" of all counsel of record made in support of and in opposition to said *Exception*, and considering the law applicable to "procedural maneuvers" such as the one at issue, and considering the law relating to the substantive aspects of this cause; this Court notes the following:

Background

Plaintiffs filed a *Petition For Injunctive Relief* on or about 13 February 2023 at approximately 3:03 p.m. The thrust of the *Petition For Injunctive Relief* centered around Plaintiff's efforts to "enjoin" certain actions of the Monroe City Council that was "set to happen" at a city council meeting at 6:00 p.m. on 14 February 2023. At the direction of the Court, all counsel noted to be associated with this effort (both for the Plaintiff and for the Defense) were directed to meet with this Court at 8:45 a.m. on 14 February 2023. At said meeting, various aspects of this action were discussed and, eventually, various procedural particulars were "waived" by all parties - and the pending *Exception* was taken up first.

Basic Facts

Essentially, Plaintiff contends the city of Monroe (through its council) has no authority to remove S.E.D.D. member *Paul Dhaliwal* from the S.E.D.D. because the city of Monroe (through its council) did not "appoint" *Paul Dhaliwal*.

**Cited Legal Provisions**

The city of Monroe "excepted" to this suit via a *Peremptory Exception of No Cause of Action* pursuant to *Code of Civil Procedure Article 927(5)*. In essence, the city of Monroe relies on *R.S. 33:2740.51 D (1) (c)* as well as other legal provisions - including *McIntosh vs. Madison Parish Police Jury (554 So. 2d 227)* and *R.S. 33:1415*.

**Summary of Findings & Court Conclusion**

After examining all applicable provisions of law, this Court *finds* that the city of Monroe actually and legally "appointed" Mr. Dhaliwal and the city of Monroe has the authority to "remove" Mr. Dhaliwal without having to articulate a "cause" (*see McIntosh vs. Madison Parish cited above*).

**THEREFORE**; this Court *concludes* that the city of Monroe actually and legally "appointed" Mr. Dhaliwal and the city of Monroe has the authority to "remove" Mr. Dhaliwal. Whether the city chooses to do that or not do that, at this time, is not a directive this Court is authorized to make. Plaintiff, presently, has not stated a cause of action.

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Defendant's *Exception* is **SUSTAINED**. Plaintiff's case is **DISMISSED** at Plaintiff's cost.

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**IT IS THE RULING OF THIS COURT.**

**THUS DONE AND SIGNED** on this 16th day of February 2023.

  
DISTRICT JUDGE - DIV. I Sect. 5

**PLEASE PROVIDE A COPY TO ALL  
COUNSEL OF RECORD.**

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CLERK OF COURT