



## **PRESS RELEASE**

### **The New Orleans City Council & Entergy vs. The People of New Orleans**

*Fourth Circuit Court of Appeal to Decide Open Meetings Law Violations, Entergy Gas Plant After Hearing Oral Arguments Today*

NEW ORLEANS, Monday, January 6, 2020 — Fourth Circuit Court of Appeal Honorable Judges James McKay, Paula Brown and Dale Atkins heard oral arguments on appeals of Judge Piper Griffin's two judgments that included a decision to void the New Orleans City Council's approval of Entergy's gas plant for open meetings law violations. Entergy joined the City Council in arguing against New Orleans community and public interest organizations, who were represented by attorneys from the Deep South Center for Environmental Justice, Earthjustice, Green Justice Legal and Loyola Law School.

Former Councilmember Susan Guidry, who voted against Entergy's proposed gas plant at the contentious February 21, 2018 Utility Committee Meeting and May 8, 2019 Regular Council meeting, attended today's hearing. "New Orleans does not need a gas plant in New Orleans East," said former Councilmember Guidry. "I was shocked to hear the same misleading arguments today that I heard two years ago from Council attorneys. I thought we had put this to rest: there were no alternative studies done, and I personally called MISO, who manages our transmission grid, and learned of Entergy and the Advisors' false claims about upgrades. What New Orleans needs is leadership willing to stand up to Entergy's demands."

"We're in court because the Council failed to follow the law and has done a poor job of regulating Entergy," said Monique Harden, attorney at Deep South Center for Environmental Justice. "The Council has to be held accountable for not upholding democratic principles, if not by the courts, then by the voters."

If the Court of Appeal upholds Judge Griffin's ruling to void the New Orleans City Council's approval of Entergy's gas plant, Entergy would have no authority to bill residents and businesses for the company's \$900 million blunder.

"I find it appalling that the Council's attorney argued that the law should not get in the way of Entergy's and the Council's desire for a polluting and costly gas plant in New Orleans East," said Dr. Beverly Wright, Executive Director of Deep South Center for Environmental Justice.

"This is an unholy union between the Council and Entergy to attack the right of residents to participate in the Council meetings," said Rev. Manning of Justice and Beyond, one of the plaintiffs in the lawsuit. "We hope the Judges saw that clearly today and will stand up for the rights of the people of New Orleans," he said.

At the Council meetings, many of the New Orleans residents who were denied the opportunity to comment were African American and Vietnamese American residents of New Orleans East, where Entergy planned to build the gas plant. The gas plant would annually release more than one million pounds of toxic air pollution and more than 700 million pounds of greenhouse gases.

“The City Council lost control of its public meeting and denied people the right to have a say over what happens in our community and our city,” said Dawn Hebert, President of the Lake Willow Neighborhood Association in New Orleans East, “The court hearing made clear that the Council was not an impartial decision maker, a fact that was not disputed by the Council’s attorneys.”

Today’s hearing lasted two hours, and the judges gave no timeline on when they would release a ruling.

### **Timeline of Open Meetings Law Case**

Oct. 16, 2017 Council holds public hearing in which least 75 paid actors and individuals wear orange pro-gas plant t-shirts and pose as concerned residents to show sham support for Entergy’s application. Numerous residents are denied entry to the meeting and the opportunity to comment.

Feb. 21, 2018 The City Council Utility Committee holds public meeting in which at least 30 paid actors and individuals wear the same orange t-shirts and show sham support for the gas plant. 50-70 residents are denied entry to the meeting and the opportunity to comment before the committee votes in favor of Entergy’s gas plant. Danil Faust, wearing one of the orange t-shirts, tells the committee that people are paid to be in the meeting room.

Mar. 7, 2018 Televised interview with Andrew Wiseman, an actor, who exposes the fact that he was paid to attend the October 16, 2017 public hearing, wear the orange t-shirt, and remain in his seat until the end of the hearing.

Mar. 8, 2018 The City Council holds public meeting. Entergy employees and supporters enter the meeting room through a private entrance and take seats before the doors are open to the public where residents have waited in line for an hour. At this meeting, residents are denied entry to the meeting and the opportunity to comment before the Council votes to adopt the committee’s decision to approve Entergy’s gas plant.

April 19, 2018 The Deep South Center for Environmental Justice, VAYLA New Orleans, Justice and Beyond, 350 New Orleans, Sierra Club, Mr. Theodore Quant and Ms. Renate Heurich file a lawsuit against the City Council for violation of the Open Meetings Law.

May 10, 2018 The Lens publishes Michael Isaac Stein’s bombshell report, "Actors were paid to support Entergy’s power plant at New Orleans City Council meetings" which gains national attention.

May 24, 2018 The newly inaugurated City Council launches an investigation into the scheme to pay actors to pose as concerned residents in support of Entergy’s gas plant at public meetings. The Council hires the Sher Garner law firm to conduct the investigation.

Oct. 24, 2018 Investigation by Sher Garner and Judge Calvin Johnson (retired) shows that Entergy knew or should have known that paid actors were used to show sham support for its gas plant application at Council meetings. The report reveals that Entergy then CEO Charles Rice declared “war” against residents and groups who participated in the Council process. The report details Entergy’s actions that limited residents opposed to the gas plant from being heard at Council meetings.

Jan. 23, 2019 City Councilmembers Moreno, Williams and Brossett introduce draft Resolutions R-19-18 and R-19-20 to repeal and rescind the approval of the Entergy gas plant and open a new public process.

Feb. 21, 2019 The Council passes Resolution R-19-78 that withdraws draft Resolutions R0-19-18 and R-19-20 as part of a settlement agreement with Entergy on the use of paid actors.

July 2, 2019 Orleans Parish Civil District Court Judge Piper Griffin issues a final judgment that voids the Council's approval of the gas plant for violation of the Open Meetings Law.

July 8, 2019 The City Council appeals the judgment, followed by Entergy on August 9, 2019, to the Fourth Circuit Court of Appeal.

Nov. 11, 2019 The City Council and Entergy file their appeal briefs that present similar arguments and seek a reversal of the District Court judgment.

Dec. 2, 2019 Brief upholding democratic principles and defending the right to open meetings is filed on behalf of the Deep South Center for Environmental Justice, VAYLA New Orleans, Justice and Beyond, 350 New Orleans, Sierra Club, Mr. Theodore Quant and Ms. Renate Heurich. This brief seeks affirmation of the District Court judgment.