

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

CASE NO. 18-3843

DIVISION "I"

SECTION 14

THE SOUTHERN CENTER FOR ENVIRONMENTAL JUSTICE, INC. d/b/a/ DEEP SOUTH
CENTER FOR ENVIRONMENTAL JUSTICE, VAYLA NEW ORLEANS,
JUSTICE AND BEYOND, 350 NEW ORLEANS, SIERRA CLUB,
MR. THEODORE QUANT, AND MS. RENATE HEURICH

VERSUS

THE COUNCIL OF THE CITY OF NEW ORLEANS, THE UTILITY, CABLE,
TELECOMMUNICATIONS AND TECHNOLOGY COMMITTEE OF THE NEW ORLEANS
CITY COUNCIL, JASON R. WILLIAMS, HELENA MORENO, JOSEPH I. GIARRUSSO,
JAY H. BANKS, KRISTIN GISLESON PALMER, JARED C. BROSSETT, AND CYNDI
NGUYEN

FILED: _____

Deputy Clerk

MOTION OF THE SOUTHERN CENTER FOR ENVIRONMENTAL JUSTICE, INC.
d/b/a/ DEEP SOUTH CENTER FOR ENVIRONMENTAL JUSTICE, VAYLA NEW
ORLEANS, JUSTICE AND BEYOND, 350 NEW ORLEANS, SIERRA CLUB,
MR. THEODORE QUANT, AND MS. RENATE HEURICH
TO SUBMIT REVISED AFFIDAVITS

PURSUANT to Louisiana Code of Civil Procedure Article 967, Section A, Petitioners¹ hereby submit these revised affidavits, which supplement the affidavits previously filed. This motion is filed with a memorandum of law. The only revision made to these affidavits is the addition of a phrase (in bold) at the beginning, which states as follows: "I, (affiant), being duly sworn, depose and state as follows, **on the basis of my own personal knowledge, information and belief . . .**" The following affidavits have been revised in this manner:

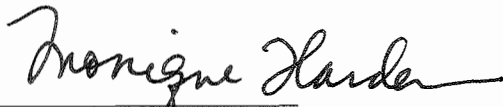
- 1) Affidavit of Michael L. Brown (Amended Petition Exhibit 4).
- 2) Affidavit of Ted Quant (Amended Petition Exhibit 5).
- 3) Affidavit of Grace Morris (Amended Petition Exhibit 6).
- 4) Affidavit of Dr. Beverly L. Wright (Amended Petition Exhibit 9).
- 5) Affidavit of Dynisha Dianne Huggle (Amended Petition Exhibit 10).
- 6) Affidavit of Patrick Henry Bryant (Amended Petition Exhibit 11).
- 7) Affidavit of Minh Thanh Nguyen (Amended Petition Exhibit 12).
- 8) Affidavit of Happy Johnson (Amended Petition Exhibit 13).

¹ Southern Center for Environmental Justice, Inc. d/b/a Deep South Center for Environmental Justice, VAYLA New Orleans, Justice and Beyond, 350 New Orleans, Sierra Club, Mr. Theodore Quant and Ms. Renate Heurich

9) Affidavit of Andrew Wells (Amended Petition Exhibit 16).

All revised affidavits were signed and notarized on July 19, 2018.

Respectfully submitted,



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*Motion for admission Pro Hac Vice
forthcoming*

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forthcoming*

Counsel for VAYLA New Orleans, Justice and Beyond, 350 New Orleans, and Sierra Club

CERTIFICATE OF SERVICE

I certify that a copy of the above and foregoing Motion to Submit Revised Affidavits and Memorandum of Law have been forwarded to opposing counsel, via electronic mail, on July 20, 2018.



Monique Harden

FILED

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CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

CIVIL
DISTRICT COURT

CASE NO. 18-3843

DIVISION "I"

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JAY H. BANKS, KRISTIN GISLESON PALMER, JARED C. BROSSETT, AND CYNDI
NGUYEN

FILED: _____

Deputy Clerk

PETITIONERS' MEMORANDUM OF LAW

The Southern Center for Environmental Justice, Inc. d/b/a Deep South Center for Environmental Justice, VAYLA New Orleans, Justice and Beyond, 350 New Orleans, and Sierra Club ("Petitioners") respectfully submit this memorandum of law addressing issues raised at the July 19, 2018 hearing concerning the competency of the evidence presented in Petitioners' affidavits, which are included as exhibits to their Amended Petition. Petitioners' affidavits are based on the affiants' personal knowledge and comply with Article 967. Therefore, the Court should accept them as competent evidence in this summary proceeding. In the alternative, and out of an abundance of caution, Petitioners, concurrently with this filing, move to submit revised affidavits for the sole purpose of expressly stating that such affidavits are based on affiants' personal knowledge, information and belief.

1. The Louisiana Code of Civil Procedure Requires That Affidavits Be Based on Personal Knowledge, But There Is No Evidentiary Requirement That Affidavits Contain the Phrase "Personal Knowledge."

At the hearing, an issue was raised as to whether the affidavits submitted by Petitioners are competent evidence because they did not contain the phrase "personal knowledge." These affidavits are competent evidence. There is no dispute that affidavits must be made upon personal knowledge. However, whether such requirement is met is based on the substantive

content of the affidavit, not the use of a specific phrase. In this case, the substance of the affidavits demonstrates that they are based on personal knowledge. Indeed, the affidavits recount the experiences and observations of thirteen residents, including one attorney, who attended the public meetings at issue in this case.

Affidavits must be based on personal knowledge according to Article 967 of the Louisiana Code of Civil Procedure, Section A, which states, in relevant part:

Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

Here, Petitioners submitted notarized affidavits that are based on affiants' personal knowledge. They contain statements of what happened to them, what they saw, and what they heard. Further, each affidavit contains statements made by an affiant who was "duly sworn and depose[d]" and who declared under the penalty of perjury that the statements made are true and correct. In short, these affidavits satisfy Article 967.

The Louisiana Fourth Circuit Court of Appeals has ruled that affidavits must be based on personal knowledge and in order to determine whether that requirement is met, courts must look to see what the affidavit says. For example, in *Foundation Materials Inc. v. Carrollton Mid-City Investors LLC*, 66 So. 3d 1230, 1234-1235 (La. App. 4th Cir. 2011), Judge Tobias explained:

The affiant must affirmatively establish that he is competent to testify to the matters stated by a factual averment showing how he came by such knowledge. *Barnes v. Sun Oil Co.*, 362 So.2d 761, 763 (La.1978). Personal knowledge means something the witness actually saw or heard, as distinguished from what he learned from some other person or source. *Hibernia Nat. Bank v. Rivera*, 07-962, pp. 8-9 (La.App. 5 Cir. 9/30/08), 996 So. 2d 534, 539. The purpose of the requirement of "personal knowledge" is to limit the affidavit to facts which the affiant saw, heard, or perceived with his own senses. *Id.*

Similarly, in *Parker v. Schneider*, 151 So. 3d 679 (La. App. 4th Cir. 2014), the court ruled that an affidavit was insufficient because it "does not show that [the affiant] has personal knowledge of the sums allegedly owed." This ruling was based on the requirement that "affidavits must be based upon the personal knowledge of the affiant." *Id.*, 151 So. 3d at 682.

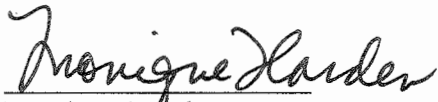
Thus, to satisfy the personal knowledge requirement for affidavits, the affiant must demonstrate how she came by such knowledge. *Parker*, 151 So. 3d at 682. There is no reported case in Louisiana directing a court to disregard the evidentiary value of an affidavit because it

does not contain the words “personal knowledge.” Petitioners’ affidavits meet the personal knowledge requirement and therefore should be admitted as evidence.

2. In the Alternative, Petitioners Submit Revised Affidavits That Contain the Phrase “Based On My Own Personal Knowledge.”

Petitioners’ affidavits are based on the affiants’ own personal knowledge. However, out of an abundance of caution, Petitioners submit a motion to submit revised affidavits, concurrent with the filing of this memorandum, pursuant to Art. 967(A). Article 967 provides that “[t]he court may permit affidavits to be supplemented ... by further affidavits.” Because this Court is directed to give the Open Meetings Law and the constitutional right it implements liberal construction, as set out in our reply brief, this Court should allow the revised affidavits into evidence when making its decision in this matter.

Respectfully submitted,



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/s/ Susan Stevens Miller

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/s/ William P. Quigley

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Counsel for VAYLA New Orleans, Justice and Beyond, 350 New Orleans, and Sierra Club

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
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JAY H. BANKS, KRISTIN GISLESON PALMER, JARED C. BROSSETT, AND CYNDI
NGUYEN

FILED: _____

Deputy Clerk

ORDER

Considering Petitioners' Motion to Submit Revised Affidavits and Memorandum of Law
filed on July 20, 2018;

IT IS ORDERED that the Motion is granted.

NEW ORLEANS, LOUISIANA, this _____ day of July, 2018.

JUDGE PIPER D. GRIFFIN

Please serve:

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Deputy City Attorney
William Goforth
Assistant City Attorney
Cherrell R. Simms
Senior Chief Deputy City Attorney
Sunni Leboeuf
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FILED
2018 JUL 20 A 9 27
CIVIL
DISTRICT COURT

**IN THE ORLEANS PARISH CIVIL DISTRICT COURT AFFIDAVIT
OF MICHAEL L. BROWN**

STATE OF LOUISIANA PARISH
OF ORLEANS

I, Michael L. Brown, being duly sworn, depose and state as follows, on the basis of my own personal knowledge, information and belief:

1. I am over 18 years of age and have been a resident of New Orleans, Louisiana for over five years.
2. I am currently domiciled at 1434 North Roman Street, New Orleans, LA 70116.
3. I am an attorney with the law firm Waltzer Wiygul & Garside, LLC. My office is located at 1000 Behrman Highway in Gretna, Louisiana.
4. My practice is predominantly environmental cases and I have been to a number of public hearings and meetings concerning permitting and approval of projects in Louisiana.
5. I am an attorney of record representing Sierra Club in Docket No. UD-16-02 at the City Council of New Orleans concerning Entergy New Orleans' ("ENO") proposal to construct a new gas plant in New Orleans East and secure cost recovery for the project.
6. I attended the two official public hearings and a number of the City Council meetings regarding ENO's proposal, including the City Council meetings that occurred on February 21, 2018 and March 8, 2018, and the public hearing that occurred on October 16, 2017.
7. In several ways, the October 16, 2017 public hearing was different than other, similar meetings I have attended in the past.
8. I arrived at the October public hearing before the start time, 5:30 pm. When I arrived, the room was almost full, which in my experience does not typically occur for early evening, weeknight public hearings like this. Typically, participants arrive at different times, as they complete work or family obligations.
9. I observed several people wearing orange t-shirts and holding signs that indicated their

support of ENO's proposal. I had seen smaller numbers of people wearing these orange t-shirts at an earlier Council meeting in this case and recognized some of the people wearing them. However, I recall that there were substantially more people wearing orange t-shirts at the October hearing than at the prior meeting.

10. I am aware that many people wanted to speak at or attend the October public hearing but were not allowed in the room or left when it was clear that they would not be able to comment during the two hours allocated for the meeting, as a result of the large crowd that had arrived early and remained in their seats throughout.
11. At one point, Councilmember Guidry asked people to leave the room when they were done speaking so that others who were outside could come inside and provide comment. I noticed that although most of the people who provided comment up to that point were the ENO supporters, few if any of these ENO supporters left.
12. I observed similar problems at the subsequent February 21, 2018 and March 8, 2018, City Council meetings. Specifically, many people were locked out of the meeting room, even though they arrived on time or close to the designated start time. In the February meeting, I observed several open seats near where I was sitting, in a section reserved for parties in the case. Some of the seats in this section were empty, even as people were waiting outside to get in.
13. On the night before the March 8, 2018 meeting, I saw a WWL TV news report about an actor who said he was paid \$120 to attend the February 21, 2018 City Council committee meeting.¹
14. Based on this report and my impression that some of the comments given by ENO supporters at the October 17, 2017 public hearing appeared scripted, I decided to review the video recording of the October public hearing to determine if any of the commenters speaking in favor of ENO's gas plant were actors. This video is available on the Council website, at http://cityofno.granicus.com/MediaPlayer.php?view_id=7&clip_id=2789 [last visited Apr. 12, 2018].

¹ Kristin Pierce, *City Council could face lawsuit following public hearing on Entergy plant*, WWL (Mar. 7, 2018), <https://www.wvl.com/article/news/local/city-council-could-face-lawsuit-following-public-hearing-on-entergy-plant/526747370>.


15. Before each speaker provided his or her spoken comments, Tom Stratton, the CURO director, read the person's name from the comment card. Most commenters would also say their name, and some would say where they are from, before providing their comments.

16. I conducted a basic internet search of ten of the commenters, using their names and "acting" or "actor" as initial search terms. Of the ten searches I ran, the results indicated that at least three of the commenters were professional actors, and that one of these three actors does not live in New Orleans. See Exhibit A. Another person, not among the three apparent actors, appears to be an Entergy employee. The rest of the six searches either provided no information or information that did not appear to me to be conclusive as to the person's occupation.

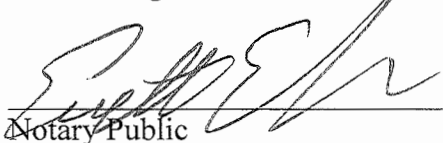
17. The results of my basic internet search, combined with my observations at the October meeting and the WWL TV report, raise strong questions in my mind as to whether ENO or ENO supporters paid actors to attend and provide comments at the October public hearing or to sit in the audience, with the practical effect, whether intended or not, of preventing other persons from entering the room and commenting.

I declare under penalty of perjury that the foregoing is true and correct.

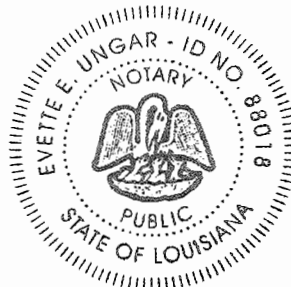
Executed by me on this 19th day of July, 2018.


MICHAEL BROWN

On this 19th day of July, 2018, before me personally appeared MICHAEL BROWN, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed it as his free act and deed.


Notary Public

State of Louisiana, Parish of Jefferson
My Commission Expires at death



FILED
OCT 20 10 57 AM
CIVIL
CLERK
DISTRICT COURT

EXHIBIT A
October 16, 2017, UD-16-02, Public Hearing Commenters
with Public Profiles Indicating they are Professional Actors

1.) Benjamin Wood:

- Screenshot from video of Public Hearing:



- Screenshot, Benjamin Wood, Demo Reel, YouTube.com:
<https://www.youtube.com/watch?v=vNWmnc8nmf4> [last visited April 13, 2018]



- Benjamin Wood, ActorsAccess.com Profile Page:
<http://resumes.actorsaccess.com/benjaminwood> [last visited April 13, 2018]
- Benjamin Wood, IMDb.com Profile Page:
http://www.imdb.com/name/nm3785597/?ref_=nmbio_bio_nm [last visited April 13, 2018]
- Benjamin Wood, Personal Acting Profile Webpage:
<https://benjaminwood.weebly.com/acting.html> [last visited April 13, 2018]

2.) Johnny Rock:

- Screenshot from video of Public Hearing (Hr'g Video at 20:24/ 2:02:45)



- Screenshot, Johnny Rock, Stage32.com Profile
<https://www.stage32.com/profile/46520> [last visited April 13, 2018]



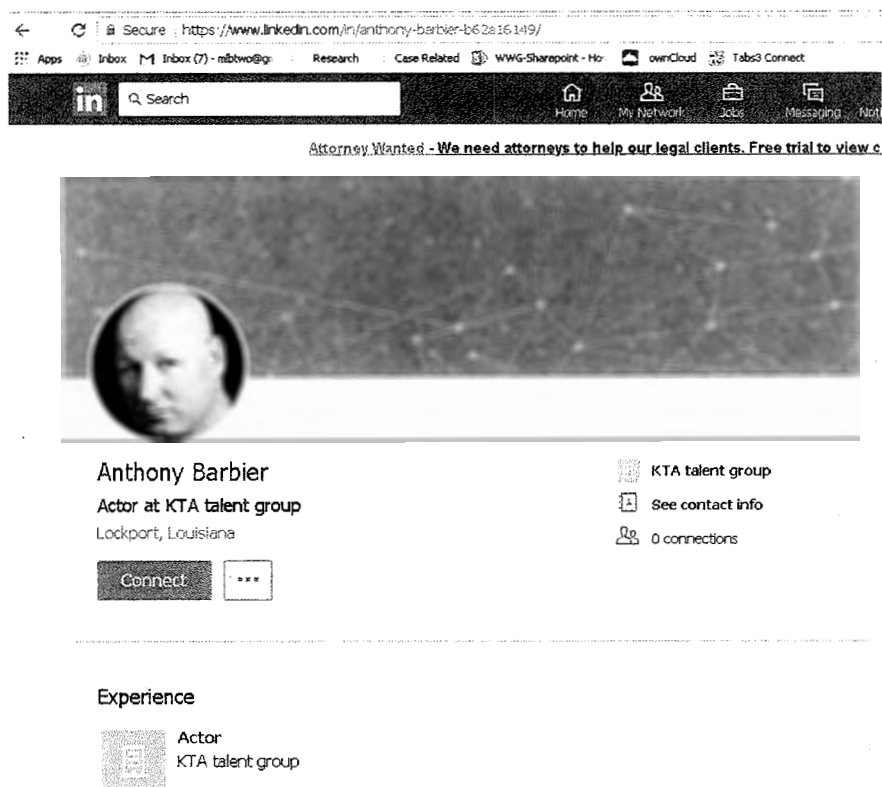
- Johnny Rock, LinkedIn.com profile (showing that he is a professional actor):
<https://www.linkedin.com/in/johnny-rock-1917aa5/> [last visited April 13, 2018]
- Johnny Rock, IMDb.com Profile:
http://www.imdb.com/name/nm1930990/bio?ref=nm_ov_bio_sm [last visited April 13, 2018]
 - o Johnny Rock Acting Reel, posted on IMDb.com
http://www.imdb.com/videoplayer/vi930457369?ref=nm_rvd_vi_1 [last visited April 13, 2018]

3.) Anthony Barbier

- Mr. Barbier stated, before speaking, that he “represent[s] New Orleans and the Ninth Ward,” Hr’g Video at 53:55, but, according to his public social media profiles below, Mr. Barbier appears actually to live in Larose or Lockport, Louisiana.
- Screenshot from video of Public Hearing:



- Screenshot from Anthony Barbier LinkedIn.com Profile (“Lockport, Louisiana”): <https://www.linkedin.com/in/anthony-barbier-b62a16149/> [last visited April 13, 2018]



- Screenshot from Anthony Barbier's Facebook profile ("Larose, Louisiana")
<https://www.facebook.com/profile.php?id=100009389360276>
[last visited April 13, 2018]

DO YOU KNOW ANTHONY?

If you know Anthony, send him a message.



Intro

ACTOR / STUNTS / WRITER



Lives In Larose, Louisiana



Married



From Larose, Louisiana



Joined May 2015

FILED
2023 JUL 20 A 9 33
CIVIL DISTRICT COURT

IN THE ORLEANS PARISH CIVIL DISTRICT COURT

AFFIDAVIT OF TED QUANT

STATE OF LOUISIANA

PARISH OF ORLEANS

I, Ted Quant, being duly sworn, depose and state as follows, on the basis of my own personal knowledge, information and belief:

1. I am over 18 years of age and have been a resident of New Orleans, Louisiana for over 45 years.
2. I am currently domiciled at 5527 Eads St, New Orleans, Louisiana 70122. I live approximately 10 miles from the site of the proposed Entergy New Orleans gas plant.
3. I retired in 2015 as the Director of the Twomey Center for Peace through Justice at Loyola University New Orleans, where I worked for thirty years.
4. I have been an activist for and worked on issues of racial, economic, and environmental justice in New Orleans and beyond for all of my life, and I am 72 years old.
5. For the last approximately five years, I have been a member of the Justice and Beyond Coalition, a group that I joined soon after its formation. Justice and Beyond is a broad-based community coalition that works on a range of issues, from immigrants' rights to incarceration issues to environmental justice concerns. It holds weekly meetings, where each week a different group talks about the issues that they are working on currently.
6. It was at one of these meetings that I first learned about the proposed Entergy New Orleans plant from Monique Harden, who came to the meeting to talk about the plant and the concerns that community members and groups have around it. I was especially concerned that this multi-million dollar plant, which the community would be forced to pay for and that would cause pollution, seemed to be pushed without considering the many alternatives that would meet the city's energy needs, as well as the fact that the decision makers appeared to be only listening to information from the industry side of the debate.

7. On February 21, 2018, I attended the meeting of the Utility, Cable, Telecommunications and Technology Committee of the New Orleans City Council concerning Entergy New Orleans' proposed gas plant. I arrived roughly 20 minutes prior to the scheduled meeting start time of 10 am.
8. When I arrived at the floor where the meeting room was, I saw that the hall was full of people, and people were lined up trying to get into the meeting room. The doors to the meeting room were closed and officials were saying that there was not any more space in the meeting room. However, certain people were being let in, including people in suits who I believe were with Entergy.
9. Monique Harden was in the hall, as were other people who I know, including Josh Fox and Pat Bryant. We had an impromptu civil rights rally in the hall, with people singing and chanting, and then testifying to what they would have said had they been allowed to address the meeting. When the doors opened people would chant, "suits come out, people go in."
10. At the high point, there were around 100 people in the hall. The entire hallway was full of people who wanted to attend the meeting and comment, on both sides of the hall and in all directions, stretching all the way to the elevators.
11. I was never able to see inside the meeting room, as the doors were closed and guarded. I am not sure whether it was police or private security guarding the doors. People entered and exited the room, but there was tight control of the doors, and it appeared they were also being guarded on the inside.
12. I stayed at the meeting for several hours but was never able to enter the meeting room. I intended to observe the meeting and give public comments. Had I been allowed to comment, I would have urged the committee to carefully consider which information they would trust, the of the industry and company pushing the plant, or that of the community that would be affected. I would have urged them to carefully consider the conflicts of interest.

13. When I left around 3 pm because I had personal matters to attend to, some people were being let in, but only one or two at a time, and there were many people still waiting to get in and entry was being tightly regulated.
14. Following the February 21 meeting, on March 1st, there was a meeting at a church on Dwyer Blvd in New Orleans East called by Justice and Beyond to discuss this matter. At that meeting, a man who I know as a local musician spoke to the group and told us that he and others had been paid \$125 to wear shirts supporting Entergy and show up and fill the room. He apologized to us for doing so, saying he did not understand the full situation at the time.
15. I also attended the March 8, 2018 meeting of the full City Council where they considered the recommendation of the Committee. I arrived approximately 15-20 minutes early and signed a comment card. There were many people there holding signs saying "NO GAS PLANT."
16. While I was able to enter the meeting this time and give comments, again many people were unable to do so. There was again a large crowd outside, chanting to get in. After people gave testimony, they asked them to leave to make space for other people, so after I gave my comments I exited the room.

I declare under penalty of perjury that the foregoing is true and correct.

Executed by me on this 19 day of July, 2018.


TED QUANT

On this 19th day of July, 2018, before me personally appeared TED QUANT, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed it as his free act and deed.

Notary Public

State of Louisiana, Parish of Orleans
My Commission Expires Life

MR. ALEXANDER BOLLAG
NOTARY PUBLIC
Notary ID No. 133757, Bar Roll No. 34447
State of Louisiana
My Commission is Issued for Life

FILED
MAR 20 10 A 9 37
CLERK OF COURT

IN THE ORLEANS PARISH CIVIL DISTRICT COURT

AFFIDAVIT OF GRACE MORRIS

STATE OF LOUISIANA

PARISH OF ORLEANS

I, Grace Morris, being duly sworn, depose and state as follows, on the basis of my own personal knowledge, information and belief:

1. I am over 18 years of age and have been a resident of New Orleans, Louisiana for the past four and half years.
2. I am currently domiciled at 4422 Bienville Street, New Orleans, Louisiana 70119.
3. I am currently employed as an Organizing Representative for the Sierra Club, an environmental organization. I have been employed at the Sierra Club since July of 2015. My work is exclusively focused on Louisiana environmental campaigns. I organize around issues of environmental justice, climate justice, and pollution in Louisiana with a focus on coastal issues and proposed projects that would harm Louisiana's coastal communities and coastal restoration efforts. Our goal is for a just transition to a renewable energy future for Louisiana.
4. I have been working on environmental campaigns for about ten years. Before joining the Sierra Club, I was working for the Gulf Restoration Network, a locally-based environmental non-profit organization.
5. I first learned about Entergy New Orleans's ("ENO") proposed gas plant through the Alliance for Affordable Energy and the Deep South Center for Environmental Justice in the summer of 2016.
6. I am concerned that the proposed gas plant is a waste of ratepayers' dollars and not needed. There is no reason to place heavy polluting industries in New Orleans neighborhoods that only serve to continue the legacy of environmental racism in Louisiana. We need real solutions for a more affordable, modern, renewable, and sustainable energy model for the city of New Orleans, and this gas plant represents a step in the wrong direction.

7. On February 21, 2018, I attended the meeting of the Utility, Cable, Telecommunications and Technology Committee of the New Orleans City Council concerning ENO's proposed gas plant. I arrived at the meeting site around 8:30 am and held a press event before the meeting began with local leaders to raise awareness of the proposed gas plant and to raise the profile of the Committee meeting and vote on that day. From 8:30 am to about 9:30 am, as people began to arrive early for the meeting, I was also outside directing people where to go for the meeting. There was a small group of Entergy supporters with signs outside the building early that morning. They headed inside to attend the meeting sometime during our press event, around 9:30 am.
8. I arrived on the floor of the meeting room at around 10:00 am to 10:15 am. I saw dozens of people still outside of the meeting room and was very surprised. I was responsible for keeping track of what was going on inside the meeting for Sierra Club and needed to get in. Renate Heurich of 350 New Orleans recognized me and found someone to get me inside by informing that person that I was an intervenor and needed to attend the meeting. We moved through the crowd to get to the door, and I remember walking past Sylvia Scineaux-Richard, President of the East New Orleans Neighborhood Advisory Commission, and thinking "Oh no, Ms. Sylvia is outside, that's not good."
9. There were dozens of elders from the Vietnamese community in New Orleans East who were with us early that morning as a part of our press conference and who were locked out. All the people I saw earlier that morning who had arrived on time for the meeting were locked outside, and this was a huge shock for me. The security guards were telling all of them they were not allowed inside.
10. Once I was inside the meeting room, at about 10:30 am, I began texting the people I have been working with to find out what was going on outside and to try and find a way to get more people allowed inside. A few minutes after entering the meeting room I recognized some people from 350 New Orleans inside the room and asked one of the leaders what we could do to get more people inside the room. I told them that Ms. Sylvia had been locked out along with other prominent community leaders that needed to be present at this meeting. We talked about having some of us swap places with the elders from the

Vietnamese community so that they could come inside and sit down. So a few of us went up to talk to the security officer about swapping people and about some of the empty seats that were available inside the meeting room. We had to convince the security guard to swap for three people, and Ms. Sylvia along with two other people were finally allowed inside. I remember seeing a very charged scene through the doors as people were trying to get in, but security would not let them. While inside, I could also hear chanting and banging on the doors. All of the presentations at the beginning of the meeting were arguments being made for and against the proposed gas plant and were very informative. It was a shame that the public did not have a chance to listen and learn.

11. The second time I interacted with security was around 10:45 am when I tried to negotiate with the security officer to open the door again so that I could collect the comment cards from Erica Buher from VAYLA, who was outside coordinating the collection of comment cards from the people who were locked out. The security officer opened the door, and Erica handed me the stack of comment cards.
12. I then asked a security guard where the time-stamp machine was and where to hand the cards in, and was directed down the stairs to the opposite side of the room near where the Council was sitting. I made my way through a row of people in the back, walked down to the front of the meeting room and asked who I presume were Council staffers where the timestamp machine was so that I could stamp each comment card, but I learned that there was no timestamp available. Keith Lampkin, Chief of Staff to Councilmember Jason Rogers Williams, then came over to take the comment cards from me and asked me if the people who made these comments were currently in the room. I told him that some of these people are in the room and some are not but would still like to speak about this issue. Keith told me that he could only accept comment cards from people who were inside the room, and that there would be no way to facilitate everyone speaking today. I suggested to him that they ask people to leave once they had made public comments to allow people locked outside to come in and give their public comments. Keith said they would not be able to do this but I told him to take all the comment cards because they needed to be a part of the record. I also pointed out Ms. Sylvia's comment card who was

- inside the meeting room to make sure she was called on. Keith said that he had noticed Ms. Sylvia was in the room, and took the full stack of cards from me.
13. Several hours into the meeting, Councilmember Susan Guidry did tell security to let more people in, and I did notice a few more people make it inside.
 14. During the meeting, my focus was on documenting and tweeting out the content of the meeting on behalf of Energy Future New Orleans, a coalition of which the Sierra Club is a member. I did not fill out a comment card and did not provide public comments at this meeting. Michael Brown was presenting closing arguments on behalf of the Sierra Club, and it was my understanding that I could not submit public comments because intervenors were only allowed comments from one person.
 15. I attended the March 8, 2018, City Council meeting at the City Council Chambers in which the City Council voted to approve the gas plant proposal. Because of what happened at the February 21 meeting we planned to arrive early. I arrived at approximately 7:00 am. At around 7:30 am I set up a table outside with signs. At about 8:00 am other people, such as Renate Heurich, started to show up. I again stayed outside and directed people where to go for the meeting. A lot of people began arriving at around 8:15 am, and by 8:30 am to 8:45 am, there was a long line of people inside, about 200 people, lined up in the hallway to the City Council Chambers doors.
 16. I entered the meeting after 12:00 pm, a few hours after it had started, but I know from text messages from people inside the meeting that not everyone was allowed in at the beginning of the meeting. Similar to the February 21 meeting, during this meeting my focus was on documenting and tweeting out the content of the meeting on behalf of the Sierra Club. However, I did fill out a comment card and provided public comments.
 17. In addition to the two Council meetings where the ENO gas plant proposal was voted on, I also attended the October 16, 2017, public meeting held in the evening that was organized and conducted by the Council Utilities Regulatory Office and Tom Stratton, the Director of the Office, about the gas plant proposal. The hearing started at 5:00 pm and I planned to go in a little before then. At around 4:00 pm to 4:15 pm one of the staff members at the Alliance for Affordable Energy texted me to find out if I could come over

to City Hall and go to the meeting at that time because Entergy was already starting to fill up the room, which surprised me.

18. An hour into the meeting it was announced that there would not be enough time for everyone to give comments and that people should stop filling out comment cards. I had never seen anything like this before because, in theory, even if a meeting ended and not everyone had a chance to provide public comments, comment cards would still be admitted as a part of the record. I expected the meeting would last many hours given the sea of people in orange t-shirts who were in attendance because the general practice is to not end a public meeting until after everyone has spoken, but that did not happen this time. The meeting arbitrarily ended after two hours, and this was really surprising. There were still about 30 to 40 comment cards left, not to mention the people who had been discouraged from continuing to fill out comment cards. They even turned the lights off on us soon after.

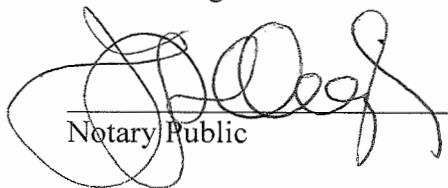
19. I would also like to note that the two-hour October 16 meeting was the only Council-sanctioned public meeting on Entergy's new amended application for the construction of a gas plant which they filed in July of 2017, and which was voted on in the February 21, 2018 Committee meeting.

I declare under penalty of perjury that the foregoing is true and correct.

Executed by me on this 19 day of July, 2018.


GRACE MORRIS

On this 19 day of July, 2018, before me personally appeared GRACE MORRIS, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed it as her free act and deed.


Notary Public

State of Louisiana, Parish of ORUEANS
My Commission Expires w/me

William P. Quigley
Attorney & Notary Public
(#7769)
State of Louisiana
My Commission is for Life

IN THE ORLEANS PARISH CIVIL DISTRICT COURT

AFFIDAVIT OF BEVERLY L. WRIGHT

FILED
2018 JUL 20 A 9 30
CIVIL
DISTRICT COURT

STATE OF LOUISIANA

PARISH OF ORLEANS

I, Beverly L. Wright, being duly sworn, depose and state as follows, on the basis of my own personal knowledge, information and belief:

1. I am over 18 years of age and am a resident of New Orleans, Louisiana.
2. I have lived most of my life in a section of the city known as New Orleans East. I am domiciled at 6841 Lake Willow Drive.
3. I am the executive director of the Deep South Center for Environmental Justice (“DSCEJ”), a nonprofit organization located in New Orleans East.
4. Under my direction, DSCEJ intervened in the City Council’s proceeding on the application by Entergy New Orleans, Inc. for approval to build a gas plant in New Orleans East. The purpose of DSCEJ’s intervention was to raise awareness of the negative health and environmental impacts that Entergy’s proposed gas plant would have on predominantly African American and Vietnamese American residents, advocate for safer and healthier alternatives, and promote an effective and meaningful process for residents to have input in the Council’s decision.
5. In this proceeding, I submitted written direct testimony and supplemental direct testimony as an expert witness on behalf of DSCEJ, Alliance for Affordable Energy, 350 New Orleans, and the Sierra Club.
6. On February 20, 2018, I read the City Council’s agenda for the February 21, 2018 meeting of the Utility, Cable, Telecommunications and Technology Committee (“UCTT”). This agenda states that the parties to the proceeding, which include the intervenors, would be allowed 15 minutes to make a closing argument. This agenda also states that each “public speaker, not a party, will be allowed 2 minutes.”
7. To comply with these restrictions, I assigned DSCEJ’s staff attorney, Monique Harden, to prepare and present the closing argument. Although I would have

liked the opportunity to make a comment on behalf of DSCEJ to the UCTT Committee, I did not believe that I would be allowed to do so based on the meeting rules in the agenda.

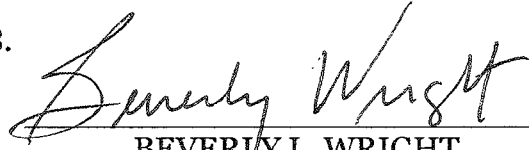
8. I attended the UCTT Committee meeting on February 21, 2018.
9. I remember arriving at the Pan American office building on Poydras Street just before 9:30 am. The UCTT meeting was to take place at 10:00 am on the 11th floor auditorium.
10. In front of the building, I noticed a large group of people gathered on the sidewalk. Many of them were wearing "Say No to the Gas Plant" t-shirts and holding a press conference to voice their opposition to the Entergy proposed gas plant.
11. I entered the building and rode the elevator to the floor where the UCTT meeting was to take place. I took a wrong turn and noticed that Entergy had set up a space on the same floor of the UCTT meeting to provide refreshments for people in support of the proposed gas plant.
12. I turned back and found my way to the auditorium. I opened the door and took a seat.
13. About 15 minutes later, I needed to go to the restroom, but was concerned that I would not be able to re-enter the auditorium. By this time, there were security guards and police at both doors. They were blocking the entrance of people who were outside in the hall.
14. I asked one of the police officers if I would be allowed back in the auditorium. He said that I would be allowed in because he would remember my face.
15. However, when I returned I was denied re-entry by a security guard. There were a lot of people lined up and demanding to enter the auditorium.
16. Someone told me to go to the other door and see if a police officer or guard would let me in there. I did this. There was just as many, if not more, people at this door. I saw the police officer who remembered me and he let me in the auditorium.
17. I was able to help one other person, Sylvia Scineaux-Richard, President of the East New Orleans Neighborhood Association Commission, enter the auditorium.

18. Just before 10:00 am, I took my seat. I noticed that there were rows of seats in the front of the auditorium that were empty. I and others told the police and security guards that there are plenty of seats available for the people waiting outside, but they would not allow the people to enter.
19. When the meeting started I heard people outside demanding that they be let in the auditorium.
20. I remember the attorneys representing the intervenor organizations ask Councilmembers to let people in as there were still vacant seats on the front rows.
21. I saw a few people come in toward the middle of the session on closing arguments, but there were still more people outside and vacant seats inside.
22. After the closing arguments were over, the Council allowed public comments.
23. I did not submit a comment card because the agenda indicated that this would be disallowed for parties, including intervenors, to the proceeding.
24. Additionally, the Council's restriction appeared to me as a continuation of the restriction that the Council Utility Regulatory Office imposed on the October 16, 2017 public hearing on Entergy's second gas plant application.
25. In advance of the October public hearing, Tom Stratton, CURO Executive Director, sent an email to all of the parties to the proceeding, which stated that only one representative of each intervenor group would be allowed to make a comment at the end of the hearing after all non-intervenor members of the public have spoken and if there was time remaining. I thought this was unfair and seemed biased in favor of Entergy.
26. Unlike the intervenor organizations and companies, Entergy had no restriction on representatives speaking at the October public hearing.
27. I remember seeing Entergy employees, who are known to CURO and the Council, being called to speak by Mr. Stratton before members of the public who were waiting to be called.
28. At the February 21, 2018 UCIT meeting, I listened to about seven people, who did not represent any party, speak in the public comment session.
29. I then left the UCIT meeting with Mary Williams and Monique Harden.

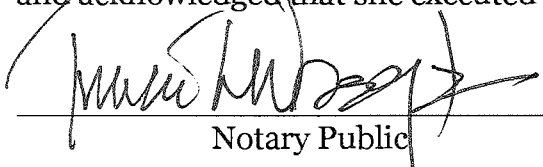
30. As we exited, we met Sylvia Scineaux-Richard who complained about being in pain from standing too long in the hall as she waited to be allowed to enter the auditorium. We discussed how poorly the meeting was handled with no accommodation for the elderly, people with disabilities, and people who may not be able to stand for a long period of time.
31. Later, I was told by people who remained at the UCTT meeting that representatives of Entergy, a party to the proceeding, gave public comments. I felt that this was unfair to DSCEJ and all of the other intervenor organizations and companies, who followed the rules and were effectively silenced for the second time at Council meetings on the proposed gas plant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed by me on this 19 day of July, 2018.


BEVERLY L. WRIGHT

On this 19th day of July, 2018, before me personally appeared BEVERLY WRIGHT, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed it as her free act and deed.


Notary Public

State of Louisiana, Parish of Orleans

My Commission Expires 6/30

FILED
200 JUL 23 AM 10:33
CLERK OF DISTRICT COURT

IN THE ORLEANS PARISH CIVIL DISTRICT COURT

AFFIDAVIT OF DYNISHA DIANNE HUGLE

STATE OF LOUISIANA

PARISH OF ORLEANS

I, Dynisha Dianne Hugle, being duly sworn, depose and state as follows, on the basis of my own personal knowledge, information and belief:

1. I am over 18 years of age and was born and raised in the Lower Ninth Ward in New Orleans, Louisiana.
2. I currently live at 3204 Angelique Drive, Violet, Louisiana 70092.
3. I am the Civic Engagement Coordinator at Vietnamese-American Young Leaders' Association of New Orleans ("VAYLA"), a progressive, multi-racial, community-based organization in New Orleans that empowers youth and families through supportive services for cultural enrichment and positive change.
4. I became involved with VAYLA roughly three years ago due to my interest in elections and civic engagement work. I joined the staff of VAYLA in 2016.
5. I first learned about Entergy New Orleans's ("ENO") proposal to construct a gas plant in New Orleans about a year to a year and a half ago. I am concerned about the plant because it is toxic for the community, is opposed by the community, and is not necessary. The community should not have to pay for it.
6. On February 21, 2018, I tried to attend the meeting of the Utility, Cable, Telecommunications and Technology Committee of the New Orleans City Council concerning ENO's proposed gas plant. I waited outside of the meeting with many members of the New Orleans East community for roughly three or four hours, but we were never allowed in.

7. I arrived at the meeting site at approximately 9:00 am, along with two or three buses carrying community members from New Orleans East. I had helped to arrange the buses to transport community members to the meeting. There were approximately 60 individuals on the buses.
8. When we arrived, a press conference was being held outside the meeting building. VAYLA's Executive Director, Minh Nguyen, spoke at the press conference. After the press conference, I went inside the building and upstairs to where the meeting was being held. I arrived outside of the meeting room between 9:30 and 10:00 am.
9. I tried to enter the meeting room, along with New Orleans East community members, but security would not let us in. Security would not let anyone who was wearing our "No Gas Plant" t-shirts go through the door to enter the room. However, I did see that several people wearing suits were allowed in.
10. When we were not allowed in, people began chanting and singing in the hallways. Every time the door would open, people would chant "Suits out, let the community in."
11. Erica Buher of VAYLA passed around comment cards that were given to someone inside the meeting room. But people outside of the meeting room were not able to provide comments. They could not hear if their names were called through the door to provide comment.
12. At some point, I believe around 11:30 am, security started allowing some people in, as others left. Very few community members from New Orleans East were able to get in the meeting and provide public comment. I would have provided public comment if given the opportunity to do so.
13. I left the meeting site when the buses arrived to transport community members back to New Orleans East, at around 2:00 pm. At that time, everyone from VAYLA except Minh Nguyen and Mark Nguyen and maybe a few others left on the buses.

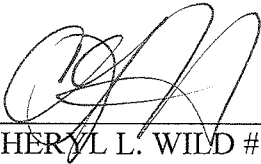
14. I also attended the March 8, 2018 meeting in which the entire New Orleans City Council voted on the proposed gas plant. I arrived early, at around 8:30 am. I came on a bus with members of the New Orleans East community. There were approximately three buses carrying roughly 100 people.
15. The bus I was on was not the first to arrive. When I arrived, there was a long line of community members waiting for the Council Chambers to open. I started to hand food and drinks out to the community members and then went inside City Hall at around 9:00 am.
16. Outside of the meeting room, there were long lines, and some people were chanting in Vietnamese. When the meeting room doors opened, security began to count people as they entered. While I was outside of the meeting room, I saw that there was a back door where I believe individuals supportive of the proposed gas plant or Entergy employees were able to enter.
17. The Council Chambers was pretty much filled by the time I got inside. When I entered the meeting room, I started to hand out interpretation headphones to the New Orleans East community members with Mark Nguyen. Not all of the community members were able to get in right away. Once inside, I could hear people chanting while they were waiting to get inside.
18. As a staff member for VAYLA, I observed the meeting and helped people get into the meeting. I did not fill out a comment card.
19. I left the meeting at about 3:00 pm because I needed to return to VAYLA's offices for a youth program. Because the meeting was going so long, my colleague and I pushed back the time for the buses to pick people up from the meeting to around 5:00 pm. I did not notice anyone waiting outside of the Council Chambers by the time that I left at 3:00 pm.

I declare under penalty of perjury that the foregoing is true and correct.

Executed by me on this 19th day of July, 2018.


DYNISHA DIANNE HUGLE

On this 19th day of July, 2018, before me personally appeared DYNISHA DIANNE HUGLE, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed it as her free act and deed.



CHERYL L. WILD # 68837
Notary Public

State of Louisiana, Parish of Orleans
My Commission Expires: at death

FILED
2018 FEB 20 A 7 38
DISTRICT COURT

IN THE ORLEANS PARISH CIVIL DISTRICT COURT

AFFIDAVIT OF PATRICK HENRY BRYANT

STATE OF LOUISIANA

PARISH OF ORLEANS

I, Patrick Henry Bryant, being duly sworn, depose and state as follows, on the basis of my own personal knowledge, information and belief:

1. I am over 18 years of age and have been a resident of New Orleans, Louisiana for over 35 years.
2. I am currently domiciled at 2832 Serantine Street, New Orleans, Louisiana 70119.
3. I am currently a Co-Moderator at Justice and Beyond, a community organization in New Orleans, which I have been a member of for the past five years.
4. I joined Justice and Beyond because of my interest in social and economic justice issues. At Justice and Beyond, we operate a weekly dialogue with the City of New Orleans and help build community coalitions within the City.
5. I first learned about Entergy New Orleans's ("ENO") proposed gas plant sometime in 2017. I am concerned that the proposed gas plant will ruin the environment and the health of the people in New Orleans, and will destroy our wetland environment that provides us protections from storms and flooding. I am also concerned that this proposed gas plant is not needed and will attract more polluting resources to the area.
6. On February 21, 2018, I attempted to attend the meeting of the Utility, Cable, Telecommunications and Technology Committee of the New Orleans City Council concerning ENO's proposed gas plant.
7. I arrived at the meeting site at approximately 9:00 am. I took part in a press conference and interview outside the building before heading inside to attend the meeting.
8. Upon arriving on the floor of the meeting room, I observed people standing in queues, while others were being screened by security with metal detectors and allowed to enter the meeting room. After observing about seven or eight people being screened by security and allowed entry, I saw about ten Entergy employees being allowed entry to the

meeting without being searched or screened. I recognized these people as Entergy employees from previous meetings.

9. While waiting outside of the meeting room, I saw many Vietnamese and Black community members from New Orleans East being told by security that they were not allowed inside. I approached the security guards at both doors several times in an attempt to get others and myself inside, but they refused to let us go in. There were around 50 to 70 people who were standing outside of the room, locked out of the meeting.
10. At approximately 10:00 am, we started protesting, chanting, and singing about being locked out of the meeting. We confronted security about being denied entrance, and they threatened to arrest some of us. However, we kept protesting outside of the room in an attempt to let everyone inside know that people were wrongly denied entrance to the public meeting.
11. At one point—when security stepped away from the door—I opened the door, looked inside, and saw at least 12 to 15 vacant seats inside the meeting room.
12. I continued to protest until approximately 11:15 am or 11:30 am when I left discouraged that nothing was going to happen. I was never allowed inside the meeting room and was never given a chance to provide comments.
13. After the February 21, 2018, public meeting some of us corresponded with City Council asking them to make sure that the venue for the March 8 meeting could hold at least 500 people. We also asked the City Council to provide overflow rooms with live video and audio feed of the meeting. The City Council did not provide either.
14. I attended the March 8, 2018 City Council meeting. I arrived at approximately 10:00 am. I observed that the front doors were locked but that Entergy officials were being let inside the Council Chambers through the back door. A few members from Justice and Beyond and I attempted to enter the Council Chambers through that back door as well, but one of the Entergy employees tried to physically block my entrance by pushing me. I managed to push him aside and entered through the door followed by the other members from Justice and Beyond. At this point, security saw that we had gained access to the Council

Chambers through the back door. They then opened the front doors and started letting people inside.

15. Once inside the Council Chambers, I took a seat and saw that the people who were waiting at the front doors were making their way inside the Council Chambers. Around 30 minutes after I took my seat, the room was almost full and security started denying entrance to people who were still outside the meeting room. I went up to security several times and pointed out available empty seats to them, at which point they allowed a few people inside to fill up those empty seats. But there were still many people who could not make it inside the meeting.

16. I was able to provide public comments, but I saw that many of the people outside never made it inside and never had the chance to provide comments.

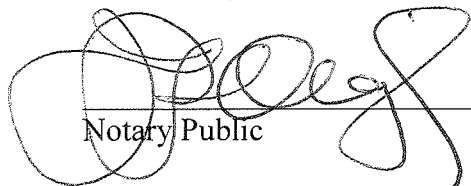
I declare under penalty of perjury that the foregoing is true and correct.

Executed by me on this 19 day of July, 2018.



PATRICK HENRY BRYANT

On this 19 day of July, 2018, before me personally appeared PATRICK HENRY BRYANT, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed it as his free act and deed.



Notary Public
State of Louisiana, Parish of ORLEANS
My Commission Expires w/ me

William P. Guigley
Attorney & Notary Public
(#7769)
State of Louisiana
My Commission is for Life

FILED
2018 JUL 20 A 9:39

CIVIL
DISTRICT COURT

IN THE ORLEANS PARISH CIVIL DISTRICT COURT

AFFIDAVIT OF MINH THANH NGUYEN

STATE OF LOUISIANA

PARISH OF ORLEANS

I, Minh Thanh Nguyen, being duly sworn, depose and state as follows, on the basis of my own personal knowledge, information and belief:

1. I am over 18 years of age and was born and raised in the community of New Orleans East in New Orleans, Louisiana.
2. I currently live at 2013 South Chippewa Street, New Orleans, Louisiana 70130.
3. I am the Founder and Executive Director of Vietnamese American Young Leaders' Association of New Orleans ("VAYLA"), a progressive, multi-racial, community-based organization in New Orleans that empowers youth and families through supportive services for cultural enrichment and positive change.
4. I founded the organization in 2006 to address the needs of the Vietnamese American and African American communities of New Orleans East, when the City of New Orleans established a landfill in our community after Hurricane Katrina.
5. I learned about Entergy New Orleans's ("ENO") proposal to construct a gas plant in New Orleans from a friend in May of 2016. In my role at VAYLA, I have focused on engaging the community in New Orleans East about the proposed gas plant, which would be located in the low-income, minority community. This plant would have direct implications on the community's health, land, and environment, and the community would begin to deteriorate as a result of the plant.
6. On February 21, 2018, I attended the meeting of the Utility, Cable, Telecommunications and Technology Committee of the New Orleans City Council concerning ENO's proposed gas plant. I arrived at the meeting site at approximately 9:00 am., along with two buses full of community members from New Orleans East. My staff at VAYLA and I had arranged the buses to transport community members—many of whom are elderly—

so they could attend the public meeting. There were 67 individuals who filled the two buses, and roughly 15 people joined us at the meeting site.

7. Upon getting off the bus, I was immediately approached by the press to be interviewed about why VAYLA and I were present at the meeting. I spoke to the press for about 5 minutes.
8. After being interviewed, I traveled with our group of community members up the elevators to the floor where the meeting took place. At 9:20 am, I was told by security guards that the meeting was at capacity and that we would not be allowed to enter the room. We were confused, especially because individuals dressed in suits were still permitted to enter the meeting, yet members of the New Orleans East community and others were not. None of our community members—who were wearing shirts stating “No Gas Plant”—were allowed to enter the meeting.
9. At this point, I connected with partners of mine from the Alliance for Affordable Energy and other friends who were in the meeting room, and they explained to me that there were empty seats inside. After waiting for about 15 minutes outside of the meeting room, at around 9:30 am, I entered the meeting only after a partner of mine from the Alliance for Affordable Energy gave up her seat for me. I was the only person from VAYLA who was able to enter the meeting at this point.
10. When I entered the meeting room, I noticed dozens of empty seats—most of which were at the front of the room. I sat in either the fourth or fifth row. I continued to be confused about why the community members outside who I had brought to the meeting were not allowed entrance, because it was clear that the room was not at capacity. I decided to investigate, and I approached the security guards. They provided the same reason as before: the individuals outside could not enter because the room was “at capacity.” Security told me to go back to my seat and explained to me that I either had to stay in the meeting or leave; there was no alternative.
11. During this time, I could hear chanting from outside of the meeting room, and I was frustrated by the fact that VAYLA had brought dozens of community members to a meeting they could not attend.

12. Once I returned to my seat, I found two people to give up their seats to allow individuals affiliated with VAYLA to enter the meeting and hopefully provide comments. I continued to receive text messages from individuals outside, explaining that they were locked out and were not able to enter.
13. Around 1:30 pm, I stepped outside to go to the restroom and to direct my staff to order lunch for the community members waiting outside. Many of the people we had brought to the meeting continued to wait outside. Some were standing, but many were sitting on the floor. Many of them expressed to me that they were concerned, upset, and desperate to provide public comment and observe the meeting. I felt especially bad for the elderly individuals, who should not have to endure this situation. While I was outside of the meeting room, I learned via text message that my name was called to provide public comment, so I stepped back inside the meeting room to give my comment.
14. At around 2:30 pm, the buses arrived to transport the community members back to New Orleans East. I left the meeting room to help escort individuals to the buses. We did not expect the meeting to last as long as it did, which is why my staff and I coordinated for the buses to come at this time. A few of us from VAYLA remained for the rest of the meeting, which lasted until around 6:00 pm, if I recall correctly, and we arranged our own transport home. Only three individuals from VAYLA—Mark Nguyen, Tuyet Tran, and myself—provided public comments.
15. A vast majority of the community members from New Orleans East were not able to observe the meeting nor provide public comment. I apologized to them multiple times and felt frustrated because of the situation they were in.
16. I also attended the March 8, 2018 meeting in which the entire New Orleans City Council voted on the proposed gas plant. Based on my disappointing and frustrating experience on February 21, I decided to arrive at City Hall extremely early—between 7:30 am and 8:00 am. I was outside of City Hall and waited for three or four buses carrying roughly 150 community members from New Orleans East that would be arriving, with other community members meeting us there too. The buses arrived at staggered times, starting at around 9 am, and since this was a different venue than the February 21 meeting, I

wanted to ensure that everyone could enter City Hall and find the Council Chambers before the doors opened.

17. By the time I got to the Council Chambers, the meeting had already started. Along with my colleague Mark Nguyen, I walked into the Council Chambers to attempt to find a seat. Because there were no seats available, a security guard started to escort me out of the room. As the security guard escorted me out, one of the New Orleans East community members of VAYLA offered their seat to me. This person had to leave the meeting so that I could stay. Similar to the February 21 meeting, there were people locked out of the meeting room, and I could hear them chanting as the meeting occurred.
18. At one point, I was told via text message by someone waiting outside that that there were about four elementary school students who had taken time off from school to attend this meeting and provide comment. I got up from my seat to find a few volunteers to give up their seats for the students so they could come in. As I coordinated this effort, I noticed that my own seat had been taken by a supporter of the Entergy proposal. I recognized him from a previous meeting when he spoke in support of ENO. Security attempted to escort me out since I did not have a seat, though I found this unfair and unjust as my seat had been taken. The Entergy supporter did not get up, and after I made a commotion and a fuss about my seat being taken, security eventually allowed me to stay in the meeting, even though I did not have a seat. I stood for the majority of the meeting, until I found a seat that had opened up once people who had already commented left the meeting.
19. I provided public comment toward the end of the meeting, though I do not recall at what

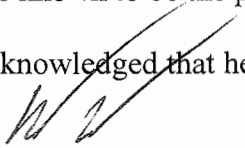
time approximately. I stayed at the meeting until its conclusion, at around 5:30 pm.

I declare under penalty of perjury that the foregoing is true and correct.

Executed by me on this 19 day of July, 2018.


MINH THANH NGUYEN

On this 19th day of July, 2018, before me personally appeared MINH THANH NGUYEN, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed it as his free act and deed.



Notary Public

State of Louisiana, Parish of Orleans
My Commission Expires Life

MR. ALEXANDER BOLLAG
NOTARY PUBLIC
Notary ID No. 133757, Bar Roll No. 34447
State of Louisiana
My Commission is Issued for Life

FILED
2018 JUN 20 A 9:40
CIVIL DISTRICT COURT

IN THE ORLEANS PARISH CIVIL DISTRICT COURT

AFFIDAVIT OF HAPPY JOHNSON

STATE OF LOUISIANA

PARISH OF ORLEANS

I, Happy Johnson, being duly sworn, depose and state as follows, on the basis of my own personal knowledge, information and belief:

1. I am over 18 years of age and have been a resident of New Orleans, Louisiana since 2011.
2. I am currently domiciled at 505 Andry Street, Apartment B, New Orleans, Louisiana 70117.
3. I have worked as an environmental and sustainability disaster resilience consultant for about 7 years. I advise organizations on the best ways to engage the people of New Orleans around those issues.
4. I have been working to rebuild New Orleans after Hurricane Katrina for almost 13 years. It was important to the residents I was helping to rebuild in a smart and sustainable way to protect their assets in the event of a future storm.
5. I first learned about Entergy New Orleans's ("ENO") proposed gas plant toward the end of 2016, but it was only last year that I clearly understood the proposal and became involved with it.
6. I am concerned that the proposed gas plant will be situated in a floodplain on a lot that has experienced subsidence. I am concerned that the pollution the proposed gas plant will emit will only add to respiratory concerns for residents and will be harmful to wetlands and the natural environment. This proposed gas plant is an antithesis to the sustainability work we have been engaged in since Hurricane Katrina and to the goals of the city's Climate Action Plan.
7. On February 21, 2018, I attended the meeting of the Utility, Cable, Telecommunications and Technology Committee of the New Orleans City Council concerning ENO's proposed gas plant. I arrived at the meeting a little after it started, and by the time I

arrived on the building floor of the meeting room, there were scores of people outside in the hallways demanding to get in, somewhere between 40 to 60 people. People were saying that security was not allowing anyone into the meeting and that there were a lot of empty seats inside.

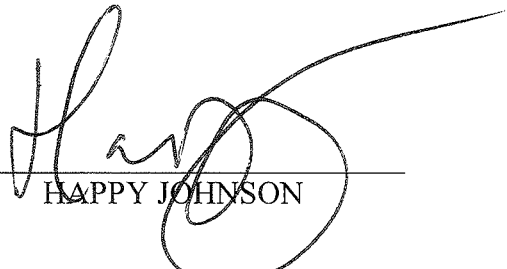
8. There are two doors to the meeting room, and most people were primarily lined up behind only one of these doors. It appeared to me that security may have been trying reserve the other door for Entergy's use because it was primarily being used by them and their supporters wearing t-shirts and carrying signs to go in and out of the room. I felt that the actions of security at the meeting suggested that whether you were going to be let into meeting or not depended on what you were wearing. I also noticed that Entergy had a designated rest area on the floor for their employees and supporters. It was intimidating to see the influence that Entergy displayed.
9. Security did not let anyone enter, even as people left the meeting room. They gave no reason. I tried to enter through both doors but security would not budge. It was only after a lot of complaining and a lot of banging on the doors that they began to let people in. I managed to get into the meeting but there were still people left outside waiting to get in. Some of these people ultimately left and never made it inside.
10. By the time I got inside the room the media and photographers had already left. I was able to provide public comments but there was no formal system of keeping track of people's time to talk. It was all done arbitrarily and some people were allowed to speak longer than others.
11. I also attended the March 8, 2018, City Council meeting at the City Council Chambers in which the City Council voted to approve the gas plant proposal. I planned to arrive early because of concerns that Entergy was planning to bus people in. I saw that Entergy had done this at an October 16, 2017 public meeting and was concerned it would happen again. We brought a lot of people from the community to that meeting early, but we noticed that before the public was allowed to enter the City Council Chambers, someone allowed Entergy to enter the Chambers through a backdoor. About 15 to 20 minutes after

Entergy was allowed inside, security opened the front doors and we walked inside the meeting room where we saw Entergy already seated down in their section.

12. There was a point during the meeting where it became difficult to gain access to the meeting because the room started to get full. I did see people trying to get in but they were being denied, even though there were open seats available inside the room.


I declare under penalty of perjury that the foregoing is true and correct.

Executed by me on this 19 day of July, 2018.



HAPPY JOHNSON

On this 19th day of July, 2018, before me personally appeared HAPPY JOHNSON, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed it as his free act and deed.



Notary Public

State of Louisiana, Parish of Orleans
My Commission Expires Life

MR. ALEXANDER BOLLAG
NOTARY PUBLIC
Notary ID No. 133757, Bar Roll No. 3544
State of Louisiana
My Commission is Issued for Life

IN THE ORLEANS PARISH CIVIL DISTRICT COURT

AFFIDAVIT OF ANDREW WELLS

2018 JUL 20 AM 11:40
CIVIL DISTRICT COURT

STATE OF LOUISIANA

PARISH OF ORLEANS

I, Andrew Wells, being duly sworn, depose and state as follows, on the basis of my own personal knowledge, information and belief:

1. I am over 18 years of age and have been a resident of New Orleans, Louisiana for over a year.
2. I am currently domiciled at 3015 Constance St, New Orleans, Louisiana 70115.
3. I am currently the Data and Targeting Manager at the Power Coalition for Equity and Justice, a non-profit team of organizations who believe in the power of community and taking action, and whose goal is to equip Louisianans with the knowledge and information they need to find their voice and learn where and when to use it.
4. I moved to New Orleans to work at the Power Coalition to work on issues of economic and racial justice, which are a longstanding concern of mine.
5. I first learned about the proposed Entergy plant through VAYLA New Orleans, a member organization of the Power Coalition. VAYLA is a progressive multi-racial community-based organization in New Orleans that empowers youth and families through supportive services and organizing for cultural enrichment and positive social change. VAYLA's Founder and Executive Director, Minh Nguyen, spoke to the Power Coalition board about the proposed plant, the concerns VAYLA has about it, and VAYLA's campaign against it.
6. Through VAYLA and Minh, I learned that the proposed plant would have devastating effects on the surrounding environment and communities, and that the city government has been unresponsive to the concerns of residents. Both of these issues are of great concern to me, personally and professionally.
7. On February 21, 2018, I attended the meeting of the Utility, Cable, Telecommunications and Technology Committee of the New Orleans City Council concerning Entergy New

- Orleans' proposed gas plant. I arrived right around the scheduled meeting start time of 10 am.
8. I parked across the street from the building where the meeting was being held and entered the building and went up to the floor where the meeting was going to take place. When I arrived at that floor, I saw a large crowd of approximately 40-50 individuals congregating in the hallway. I attempted to enter the meeting room, but the doors were closed. People in the hallway were talking about how the meeting was full and officials were barring any other people from entering.
 9. I saw people that I knew from VAYLA and other organizations in the Power Coalition, and I spoke with them about what was happening. During the time that I was there, approximately 45 minutes, more people showed up who were planning to attend the meeting and give comments. The most people I saw in the hallway at one point were approximately 60-70.
 10. While I was in the hallway, I overheard numerous people asking various city officials why they were not being allowed in, but no answers were given.
 11. A number of people who had come to the meeting intending to give testimony but were unable to get into the meeting decided to give their testimony in the hall. People were also singing and chanting and having various conversations about what was going on.
 12. I intended to observe this public meeting, but because the doors were closed and people were not permitted to enter, I was unable to do so.
 13. One of the things that I found most objectionable was that there was a large group of elderly Asian individuals, approximately 15-20 people, who are representative of the community in the immediate area surrounding the proposed plant, who were unable to get in and observe the meeting and give comments. VAYLA had organized buses from these communities, through the Vietnamese church, Mary Queen of Vietnam.
 14. It was very upsetting to me that these people who had made a significant effort to attend this public meeting, to bear witness and give public comment on how the plant would affect them and their community, were barred from observing the meeting and giving

comment. These people were there when I arrived and still there when I left around 10:50 am.

I declare under penalty of perjury that the foregoing is true and correct.

Executed by me on this 19th day of July, 2018.

Andrew H. Wells, Jr.
ANDREW WELLS

On this 19th day of July, 2018, before me personally appeared ANDREW WELLS, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed it as his free act and deed.

[Signature]

Notary Public

State of Louisiana, Parish of Orleans
My Commission Expires Life

MR. ALEXANDER BOLLAG
NOTARY PUBLIC
Notary ID No. 133757, Bar Roll No. 34447
State of Louisiana
My Commission Issued for Life