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BUREAU OF
LEGAL SERVICES

SECTION: *B*

FIRST JUDICIAL DISTRICT COURT

PARISH OF CADDO

STATE OF LOUISIANA

NUMBER: *587,643*

LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS

v.

RIB TIP EXPRESS, LLC

PETITION FOR PRELIMINARY AND PERMANENT INJUNCTION

The petition of the **Louisiana Department of Health and Hospitals, Office of Public Health (hereinafter "DHH")**, represented herein by Jimmy Guidry, M.D., its duly appointed State Health Officer, acting herein through undersigned counsel, respectfully represents:

1.

DHH has jurisdiction and authority to enact and enforce the La. State Sanitary Code (Louisiana Administrative Code Title 51) pursuant to La. R.S. 40:4, 40:5, and 40:6(C)(2).

2.

Made defendant herein is **Rib Tip Express, LLC** (hereinafter "Defendant"), a limited liability company domiciled in Caddo Parish, whose registered address is 271 Vine Street, Shreveport, Louisiana 71101.

3.

Defendant is the owner and operator of *Rib Tip Express*, located at 2112 South Market Street, Shreveport, Louisiana 71101. Because it stores, prepares, and serves food for human consumption, *Rib Tip Express* is a "food establishment" as that term is defined in Sanitary Code Part XXIII, §101.

4.

Rib Tip Express is presently operating as a food establishment without the requisite *Permit to Operate* from DHH, in violation of Sanitary Code Part XXIII, §501 and La. R.S. 40:31.37. *Rib Tip Express* has been inspected by a representative of the DHH on four occasions and the Registered Agent for Rib Tip Express, LLC, Robert Huston, was officially notified on each inspection that a *Permit to Operate* is required. A conference was also held with Robert Huston with representatives of the DHH present, at which Mr. Huston was informed of the requirements

necessary to obtain a *Permit to Operate*. The Defendant continues to refuse payment in order to obtain the requisite *Permit to Operate*, and continues to operate the food establishment *Rib Tip Express*.

5.

Defendant should be ordered to show cause why a preliminary writ of injunction should not issue herein restraining, enjoining, and prohibiting Defendant from operating *Rib Tip Express*.

6.

In due course, a final injunction should issue herein in the form and substance of the preliminary writ of injunction.

7.

Venue is proper in Caddo Parish pursuant to La. Code of Civil Procedure Art. 42.

8.

Pursuant to La. R.S. 13:4581, DHH is not required to furnish the security otherwise required by La. Code of Civil Procedure Article 3610 for the issuance of injunctive relief.

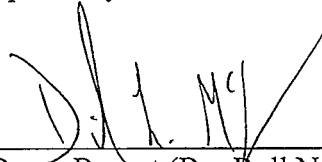
9.

DHH's filing of this Petition and attached/related documents should be free from payment of any costs of court in accordance with La. R.S. 40:31, which exempts DHH, and its agents and subdivisions, from court costs in any suit.

WHEREFORE, Petitioner prays that the Defendant be served with citation and a certified copy of this petition, the rule to show cause, and order of this Honorable Court assigning the date and hour of the trial thereon, and after due proceedings that there be judgment in favor of Petitioner, DHH, and against Defendant *Rib Tip Express, LLC* as follows, and that the following orders issue herein:

- A. Ordering the issuance of a rule nisi directed to the Defendant to show cause why a preliminary writ of injunction should not issue herein restraining, enjoining, and prohibiting Defendant from operating *Rib Tip Express* as a food establishment.
- B. In due course, ordering the issuance of a final injunction in the form and substance of the preliminary injunction.
- C. Assessing all costs of this proceeding against Defendant.
- D. Granting DHH any other relief as the Court deems just and proper.

Respectfully Submitted:



J. Bruce Bryant (Bar Roll No. 20723)

✓ David L. McCay (Bar Roll No. 23527)

La. Department of Health and Hospitals

Bureau of Legal Services

P.O. Box 3836

Baton Rouge, Louisiana 70821-3836

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david.mccay@la.gov

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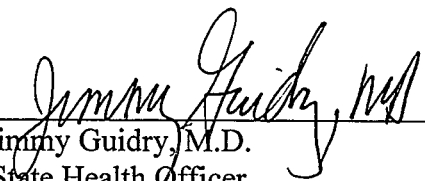
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VERIFICATION

BEFORE ME, the undersigned Notary, personally came and appeared Jimmy Guidry, M.D., who did depose and say that he is the DHH State Health Officer, and that all of the allegations contained in the foregoing Petition for Preliminary and Permanent Injunction are true and correct to the best of his knowledge, information and belief.

THUS DONE AND PASSED, before me the undersigned Notary, this 14th day of August, 2015, at Baton Rouge, Parish of East Baton Rouge, State of Louisiana.



Jimmy Guidry, M.D.
State Health Officer



NOTARY PUBLIC
DAVID L. McCAY
LA BAR ROLL #23527
NOTARY PUBLIC, STATE OF LOUISIANA
MY COMMISSION IS FOR 1:15

FIRST JUDICIAL DISTRICT COURT
PARISH OF CADDO
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v.

RIB TIP EXPRESS, LLC

ORDER

Considering the foregoing Petition for Preliminary and Permanent Injunction filed by Petitioner, the Louisiana Department of Health and Hospitals:

IT IS ORDERED that the Defendant, Rib Tip Express, LLC, appear and show cause on the 9 day of November, 2015, at 9:30 o'clock, A. M., why a preliminary and, in due course, a final injunction should not be issued enjoining Defendant from operating, and compelling closure of, *Rib Tip Express* (2112 South Market Street, Shreveport, Louisiana 71101) until Defendant obtains a valid current permit and complies with all other requirements of the La. Sanitary Code; and why the Defendant should not be cast with all costs of these proceedings.

THUS DONE AND SIGNED, this 22 day of September, 2015,
at Shreveport, Louisiana.

JUDGE CRAIG MARCOTTE

JUDGE
First Judicial District Court

PLEASE SERVE CITATION, PETITION, ORDER, AND MEMORANDUM ON:

Rib Tip Express, LLC, through **personal** service on its registered agent:

Robert Huston, Registered Agent
271 Vine Street
Shreveport, Louisiana 71101

