

SEVENTEENTH JUDICIAL DISTRICT COURT
PARISH OF LAFOURCHE
STATE OF LOUISIANA

NUMBER: 128327

SECTION:

LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS

DIVISION B

v.

TYRONE B. WILLIAMS

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. 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 **TYRONE B. WILLIAMS**, a person of full age of majority, domiciled in Lafourche Parish, Louisiana, whose address is 112 Ridgeway Street, Thibodaux, Louisiana 70301.

3.

TYRONE B. WILLIAMS (hereinafter "Defendant") is the owner and operator of *Club Temptation*, located at 1320B St. Charles Street, Thibodaux, Louisiana 70301. Because it stores, prepares, and serves food for human consumption, *Club Temptation* is a "food establishment" as that term is defined in Sanitary Code Part XXIII, §101.

4.

Club Temptation is presently operating without holding a valid current *Permit To Operate* from DHH, in violation of Sanitary Code Part XXIII, §501 and La. R.S. 40:31.37. DHH has sent Defendant numerous Notices and letters, but Defendant refuses to pay the fees required to obtain a current *Permit To Operate*.

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 *Club*

Temptation.

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 Lafourche 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.

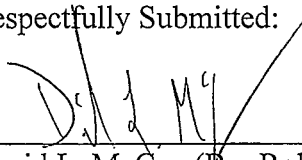
9.

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, Tyrone B. Williams 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 *Club Temptation* 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:



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
Telephone: (225) 342-1123; fax 342-2232
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FILED

SEP 23 2015


CLERK OF COURT

SEVENTEENTH JUDICIAL DISTRICT COURT
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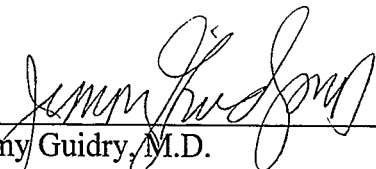
v.

TYRONE B. WILLIAMS


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 1st day of ~~May~~ ^{June}, 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 LIFE

FILED
SEP 28 2015

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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, Tyrone B. Williams, appear and show cause on the 14th day of October, 2015, at 1:30 o'clock, P. M., why a preliminary and, in due course, a final injunction should not be issued enjoining Defendant from operating, and compelling closure of, *Club Temptation* (1320B St. Charles Street, Thibodaux, Louisiana 71103) until Defendant obtains a valid current *Permit to Operate* 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 20th day of September, 2015, at Thibodaux, Louisiana.

Steven Miller
JUDGE
Seventeenth Judicial District Court

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

Tyrone B. Williams
1320 B St. Charles Street
Thibodaux, LA 70301

FILED

Jada Means
CLERK OF COURT
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ATRUE COPY
Clerk of Court's Office
Oct 2, 2015
Jada Means
Clerk of Court