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DISTRICT COURT

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 2024-11139

DIVISION "M"

SECTION: 13

HENRY CONSULTING, LLC

VERSUS

THE NEW ORLEANS CITY COUNCIL et al.

FILED: _____

DEPUTY CLERK

**THE NEW ORLEANS CITY COUNCIL'S
MOTION FOR SUSPENSIVE APPEAL**

Pursuant to Louisiana Code of Civil Procedure articles 1911, 2083, and 2121 *et seq.*, Defendants, the New Orleans City Council and its members, Helena Moreno, Jean-Paul Morrell, Joseph Giarrusso, Lesli Harris, Freddie King III, Eugene Green, and Oliver Thomas (collectively, the "Council"), move for an order granting them a suspensive appeal to the Fourth Circuit Court of Appeal for the State of Louisiana from the Court's January 7, 2025 final judgment granting Henry Consulting, LLC's petition for writ of mandamus.

1.

Following a December 16, 2024 hearing, the Court rendered a final judgment on January 7, 2025, in favor of Henry Consulting, LLC and against the Council granting a writ of mandamus ordering: (a) the Council to vote to authorize the Council President to sign the professional services agreement between the City of New Orleans and Henry Consulting; and (b) the Council President to sign the agreement. The Notice of Judgment was mailed to the Council on January 7, 2025. Under Louisiana Code of Civil Procedure article 2083, the Judgment constitutes a final judgment suspensively appealable by law. *E.g.*, *Commodore v. City of New Orleans*, 2019-0127 (La. App. 4 Cir. 6/20/19), 275 So. 3d 457 (suspensive appeal from judgment granting writ of mandamus); *River St. Ventures, LLC v. City of New Orleans*, 2019-0336 (La. App. 4 Cir. 9/25/19), 364 So. 3d 35 (same); *see also Boh Bros. Constr. Co. v. City of New Orleans*, 2020-01347 (La. 11/24/20), 305 So. 3d 867, 869 (Weimer, J., concurring) ("[T]here are no restrictions on [a party's] ability to take a suspensive appeal from . . . the judgment granting mandamus.").

2.

This motion for suspensive appeal is timely, having been filed within thirty days of the expiration of the delay for applying for a new trial or judgment notwithstanding the verdict. *See* La. Code Civ. Proc. art. 2123(A). Pursuant to Louisiana Code of Civil Procedure articles 1811 and 1974, the delay for applying for a new trial or judgment notwithstanding the verdict expires on January 14, 2025, meaning that the delay for taking this suspensive appeal expires on February 13, 2025.

3.

As a public body, the Council is exempt under La. Stat. § 13:4581 from furnishing a suspensive appeal bond. *Council of City of New Orleans v. Edward Wisner Donation*, 2022-0790 (La. App. 4 Cir. 10/24/24); *Tillman v. City of Slidell*, 464 So. 2d 986, 987 (La. App. 1 Cir. 1985).

4.

The Council requests that this Court assign a return date for the appeal brief to be filed with the Louisiana Court of Appeal for the Fourth Circuit of 30 days from the date the estimated costs are paid.

* * *

For the foregoing reasons, the Council respectfully requests that it be granted a suspensive appeal in the above-captioned action returnable to the Fourth Circuit Court of Appeal for the State of Louisiana, within the applicable delays fixed by law. The Council further prays that the Court not set a bond because the Council is exempt.

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Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all counsel
by electronic mail this 9th day of January 2025.

