

SIXTEENTH JUDICIAL DISTRICT COURT

PARISH OF IBERIA

STATE OF LOUISIANA

DOCKET NO. 145465-E

CASSIE DUHON

v.

NEW IBERIA MUNICIPAL FIRE AND POLICE  
CIVIL SERVICE BOARD

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PETITION FOR WRIT OF MANDAMUS

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NOW INTO COURT, through undersigned counsel, comes Petitioner **Cassie Duhon** (“Lt. Duhon”), a citizen and qualified elector of the City of New Iberia, Parish of Iberia, State of Louisiana, who respectfully petitions this Court for a Writ of Mandamus directing the New Iberia Municipal Fire and Police Civil Service Board (the “Board”) to comply with its mandatory statutory duty to conduct an investigation pursuant to La. R.S. 33:2477(4) and La. R.S. 33:2500(C), and in support thereof represents as follows:

I. PARTIES

1.

Petitioner **Cassie Duhon** is a citizen of the City of New Iberia, Parish of Iberia, State of Louisiana, and a qualified elector domiciled therein. She holds a permanent classified position with the New Iberia Police Department at the rank of Lieutenant.

2.

Respondent **New Iberia Municipal Fire and Police Civil Service Board** (the “Board”) is a public body organized and operating under the Municipal Fire and Police Civil Service Law, La. R.S. 33:2471 *et seq.*, with its domicile at 457 E. Main Street, Room 300, New Iberia, Louisiana 70563. The Board may be served through its Secretary, Mabel Onellion, at the same address.

II. JURISDICTION AND VENUE

3.

This Court holds jurisdiction over this proceeding pursuant to La. C.C.P. arts. 3861–3863. Venue is proper in Iberia Parish, the parish in which the Board is domiciled.

4.

No ordinary means of relief exist to redress the Board’s refusal to perform its mandatory statutory duty. La. C.C.P. art. 3862.

III. FACTUAL AND PROCEDURAL BACKGROUND

5.

Lt. Duhon holds a permanent classified position with the New Iberia Police Department. She served in the rank of Captain for approximately ten months under a working test period. Chief Todd D’Albor demoted her to Lieutenant on or about October 21, 2025.

6.

On or about January 20, 2026, Lt. Duhon submitted a written Petition for Investigation to the Board pursuant to La. R.S. 33:2477(4) and La. R.S. 33:2500(C), in her capacity as a citizen and qualified elector of the City of New Iberia.

7.

The Board placed the matter on the agenda for its February 26, 2026, meeting. Before the Board voted to open an investigation, Chief D'Albor, through counsel, filed a written response urging denial. After discussion, the Board directed Lt. Duhon to file an amended petition providing a more definite statement of factual allegations within two weeks.

8.

On March 12, 2026, Lt. Duhon filed the First Supplemental and Amending Petition for Investigation in compliance with the Board's directive. That petition set forth six independent grounds for investigation.

9.

On March 19, 2026, the Board held a hearing on the supplemental petition. Chief D'Albor, through counsel, again filed a written response urging denial on the grounds, among others, that: (1) the petition was untimely under La. R.S. 33:2501(A); (2) the working test rejection was not subject to Board review; (3) the petition exceeded the Board's authority under *City of Lafayette v. Comp Time for Certain Firemen*, 525 So.2d 181 (La. App. 3d Cir. 1988); and (4) no just cause existed. After argument, the Board denied the petition in its entirety.

#### **IV. THE SIX GROUNDS FOR INVESTIGATION**

The First Supplemental and Amending Petition for Investigation set forth the following six independent grounds, each constituting an independent allegation of improper personnel administration within the classified service and each independently sufficient to establish just cause for investigation under La. R.S. 33:2477(4):

##### **Ground One: Misrepresentation to the State Supplemental Pay Board**

10.

The petition alleges that Chief D'Albor may have misrepresented an employee's duties to the Municipal Police Officers' Supplemental Pay Board of Review, resulting in the possible unauthorized disbursement of state supplemental pay. This ground arose independent of and prior to Lt. Duhon's demotion.

##### **Ground Two: Retaliation for Lawful Brady Disclosure**

11.

The petition alleges that on September 9, 2025, Lt. Duhon made a lawful disclosure of potential *Brady* material to the District Attorney's Office, and that the demotion approximately six weeks later may constitute retaliation for that disclosure.

##### **Ground Three: Prior Retaliatory Threat**

12.

The petition alleges that approximately one year before the demotion, Chief D'Albor threatened Lt. Duhon with adverse employment action to discourage her from raising questions about the department's promotional process, establishing a pattern of improper personnel administration.

##### **Ground Four: Violation of the Louisiana Law Enforcement Officer Bill of Rights**

13.

The petition alleges that the demotion rests on an interrogation that did not comply with the Louisiana Law Enforcement Officer Bill of Rights, La. R.S. 40:2531 *et seq.*, rendering it a potential absolute nullity.

**Ground Five: Use of Working Test Rejection to Circumvent Disciplinary Protections**

14.

The petition alleges that Chief D'Albor employed the form of a working test rejection to accomplish the substance of discipline without affording Lt. Duhon the procedural protections the classified civil service requires.

**Ground Six: Sex-Based Compensation Discrimination**

15.

The petition alleges that Lt. Duhon performed the Field Training Coordinator function for three years without incentive pay, while the male officer who assumed that role after her promotion received that pay immediately, in violation of La. R.S. 23:664, which prohibits paying wages at a lesser rate to an employee of one sex than to an employee of a different sex for the same or substantially similar work. This ground arose independent of the demotion.

**V. THE BOARD'S MANDATORY DUTY TO INVESTIGATE**

16.

La. R.S. 33:2477(4) commands that the Board "shall" upon the written petition of any citizen for just cause make any investigation concerning the administration of personnel or compliance with the provisions of the Civil Service Law. La. R.S. 33:2500(C) independently commands that the Board "shall" upon the written request of any qualified elector setting out the reasons therefor make an investigation of the conduct and performance of any employee in the classified service. La. R.S. 1:3 states: "The word 'shall' is mandatory and the word 'may' is permissive." La. R.S. 1:4 provides: "When the wording of a Section is clear and free of ambiguity, the letter of it shall not be disregarded under the pretext of pursuing its spirit." Both statutes command action upon a qualifying petition; neither confers discretion to refuse.

17.

La. R.S. 33:2477(4) further provides that investigations requested upon a citizen's written petition for just cause "shall be completed within sixty days of the board's receipt of the request for an investigation or receipt of a written petition of any citizen, or both." That deadline presupposes the Board will conduct the investigation; it does not authorize the Board to deny a qualifying petition outright.

18.

The duty to investigate upon a qualifying petition is ministerial in nature. In *Frame v. Yenni*, 347 So.2d 309, 311 (La. App. 4th Cir. 1977), the court applied the Louisiana Supreme Court's definition of a ministerial act: one that "a person performs in a given statement of facts, in a prescribed manner, in obedience to the mandate of legal authority, without regard to, or the exercise of his own judgment upon the propriety of the acts being done." The court confirmed that a mandatory duty does not become less ministerial merely because the statute creating it requires some construction of statutory language. The Board's duty to investigate upon a qualifying citizen petition is prescribed by statute, not grounded in policy judgment, and is therefore ministerial in character.

19.

Lt. Duhon filed written petitions on January 20, 2026, and March 12, 2026. She is a citizen and qualified elector of the City of New Iberia independent of her civil service employment. The six grounds set forth in the petition each constitute an independent allegation of improper personnel administration within the classified service sufficient on its face to establish just cause. In *Smith v. Ruston Fire and Police Civil Serv. Bd.*, 939 So.2d 586, 591 (La. App. 2d Cir. 2006), the court confirmed that the Board may not arbitrarily and capriciously refuse to investigate and that upon a qualifying petition "the Board is required to do so." The grounds presented here — a misrepresentation to a state agency, a retaliation claim, a prior threat establishing a pattern of conduct, a Law Enforcement Officer Bill of Rights violation, circumvention of disciplinary protections, and sex-based compensation discrimination — each present the kind of substantive personnel misconduct that falls within the Board's investigative authority under La. R.S. 33:2477(4) and La. R.S. 33:2500(C).

## VI. THE BOARD'S DENIAL HAS NO LEGAL BASIS

20.

The Louisiana Supreme Court defines “arbitrary or capricious” as “the lack of a rational basis for the action taken.” *Shields v. City of Shreveport*, 579 So.2d 961, 964 (La. 1991). “Arbitrary and capricious behavior is willful and unreasonable action, without consideration and regard for the facts and circumstances presented.” *J.E. Merit Constructors, Inc. v. Hickman*, 776 So.2d 435, 437–38 (La. 2001), quoted in *Hewitt v. Lafayette Mun. Fire & Police Civil Serv. Bd.*, 139 So.3d 1213, 1224 (La. App. 3d Cir. 2014). The Board directed Lt. Duhon to provide a more definite statement of factual allegations. She did so, setting forth six independent grounds. The Board then denied all six in their entirety. Three of those grounds — the supplemental pay misrepresentation, the prior retaliatory threat, and the sex-based compensation disparity — arose prior to and independent of the working test rejection and require no predicate disciplinary action. La. R.S. 33:2500(C) grants the Board independent authority to investigate any one of them upon the written request of a qualified elector. A blanket denial of six independent grounds — including three that have no connection to the working test — after the Board itself solicited additional factual detail, lacks any rational basis.

21.

Chief D’Albor, through counsel, urged the Board to treat the petition as untimely under La. R.S. 33:2501(A). That provision governs an employee’s demand for a hearing on corrective or disciplinary action and imposes a deadline on the employee. It has no application to a citizen petition under La. R.S. 33:2477(4), which imposes no filing deadline on the petitioner. The only deadline La. R.S. 33:2477(4) imposes runs to the Board. To the extent the Board relied on this argument, it denied a mandatory statutory right on a basis the law does not support.

22.

Chief D’Albor, through counsel, also urged reliance on *City of Lafayette v. Comp Time for Certain Firemen*, 525 So.2d 181 (La. App. 3d Cir. 1988), and *Glover v. Lafayette Consolidated Government*, 402 So.3d 81 (La. App. 3d Cir. 2024), writ denied, 402 So.3d 490 (La. 2025). Neither case applies. *City of Lafayette* addressed a Board ruling on a Fire Chief’s day-to-day compensation time decision — a routine supervisory matter unrelated to the personnel misconduct alleged here. *Glover* addressed a classified employee’s appeal of a working test rejection under La. R.S. 33:2495(B)(3)(c). Lt. Duhon does not proceed as an employee appealing her rejection; she proceeds as a citizen petitioner under La. R.S. 33:2477(4) and La. R.S. 33:2500(C), a separate statutory proceeding to which *Glover*’s working-test appeal limitation does not apply.

## VII. MANDAMUS IS THE PROPER REMEDY

23.

A writ of mandamus may direct a public officer to perform a ministerial duty required by law. La. C.C.P. art. 3863. The Louisiana Supreme Court recognized in *State ex rel. Torrance v. City of Shreveport*, 231 La. 840, 93 So.2d 187, 189 (La. 1957), that “the writ may also be employed to reach and correct an arbitrary or capricious abuse of discretion by public boards or officials” and that “mandamus will lie only to correct an abuse of discretion in the performance (or nonperformance) of an administrative or quasi-judicial act, such as the arbitrary refusal to grant a license.”

24.

In *Hewitt*, 139 So.3d at 1222–24, the Third Circuit reversed the denial of a writ of mandamus and remanded with an order to issue the writ, holding that a municipal fire and police civil service board’s refusal to conduct a proceeding it was legally required to conduct was an arbitrary and capricious abuse of discretion. The Board here received two qualifying written petitions from a citizen and qualified elector, directed supplemental detail, received it, and denied all six grounds. The record establishes that the Board failed to perform its mandatory duty under La. R.S. 33:2477(4) and La. R.S. 33:2500(C). Mandamus is the proper remedy. No ordinary means of relief exist, and the continued delay causes Lt. Duhon ongoing prejudice.

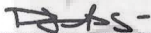
**VIII. PRAYER FOR RELIEF**

WHEREFORE, Petitioner Cassie Duhon, through undersigned counsel, respectfully prays that this Court:

- a. Issue a Writ of Mandamus directing the New Iberia Municipal Fire and Police Civil Service Board to immediately conduct a full investigation pursuant to La. R.S. 33:2477(4) and La. R.S. 33:2500(C) into the six grounds set forth in the original Petition for Investigation filed January 20, 2026, and the First Supplemental and Amending Petition for Investigation filed March 12, 2026;
- b. Order the Board to complete said investigation within sixty calendar days of the date of this Court's order, as required by La. R.S. 33:2477(4);
- c. Award Petitioner all costs of these proceedings; and
- d. Order the Board to produce to Petitioner the minutes and transcripts of the Board's meetings held on February 26, 2026, and March 19, 2026, within fifteen (15) days of receipt of this Court's order; and
- e. Grant all other relief to which Petitioner is entitled under the law.


**Certificate of Service**

I hereby certify that a copy of the foregoing has been served upon all parties by electronic mail on this 16<sup>th</sup> day of April, 2026.

  
Patrick D. Magee (Apr 16, 2026 17:58:46 CDT)

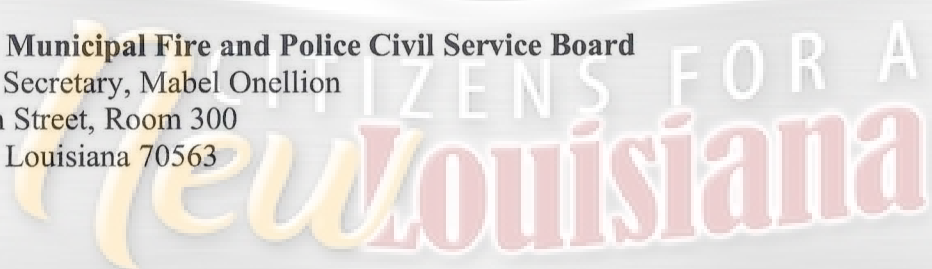
**PATRICK D. MAGEE**

Respectfully Submitted:  
PAT MAGEE FIRM, LLC

  
Patrick D. Magee (Apr 16, 2026 17:58:46 CDT)  
**PATRICK D. MAGEE, #29721**  
210 Heymann Blvd.  
P.O. Box 4526  
Lafayette, LA 70502  
(337) 476-2433 (Office)  
(337) 376-2000 (Fax)  
*Attorney for Cassie Duhon*

PLEASE SERVE:

**New Iberia Municipal Fire and Police Civil Service Board**  
Through its Secretary, Mabel Onellion  
457 E. Main Street, Room 300  
New Iberia, Louisiana 70563



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RULE TO SHOW CAUSE

Considering the *Petition for Writ of Mandamus* filed herein by Petitioner Cassie Duhon, through undersigned counsel, and the Court being satisfied that the petition states grounds for the relief requested:

**IT IS ORDERED** that the New Iberia Municipal Fire and Police Civil Service Board show cause before this Court on the 11 day of June, 2026, at 9:00 o'clock a.m., or as soon thereafter as counsel may be heard, why this Court should not:

DR

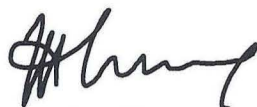
- (a) Issue a Writ of Mandamus directing the Board to immediately conduct a full investigation pursuant to La. R.S. 33:2477(4) and La. R.S. 33:2500(C) into the six grounds set forth in the Petition for Investigation filed January 20, 2026, and the First Supplemental and Amending Petition for Investigation filed March 12, 2026;
- (b) Order the Board to complete said investigation within sixty (60) calendar days of the date of this Court's order, as required by La. R.S. 33:2477(4);
- (c) Award Petitioner all costs of these proceedings; and
- (d) Order the Board to produce to Petitioner the minutes and transcripts of the Board's meetings held on February 26, 2026, and March 19, 2026, within fifteen (15) days of receipt of this Court's order; and
- (e) Grant all other relief to which Petitioner is entitled under the law.

**IT IS FURTHER ORDERED** that the Board file any written opposition no later than 10 days prior to the hearing date set above.

**IT IS FURTHER ORDERED** that service of this Rule to Show Cause and the Petition for Writ of Mandamus be made upon:

**New Iberia Municipal Fire and Police Civil Service Board**  
Through its Secretary, Mabel Onellion  
457 E. Main Street, Room 300  
New Iberia, Louisiana 70563

THUS DONE AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2026, in New Iberia, Parish, Louisiana.



JUDGE, SIXTEENTH JUDICIAL DISTRICT COURT  
Keith J. Comeaux SIGNED ON 4/24/2026