

LAFAYETTE CENTRE DEVELOPMENT DISTRICT
D/B/A DOWNTOWN DEVELOPMENT AUTHORITY

VS.

THE CITY OF LAFAYETTE
(LAFAYETTE BOARD OF ZONING ADJUSTMENT)

15TH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE

STATE OF LOUISIANA

DOCKET NO.: C-20257538-J

PEREMPTORY EXCEPTION OF NO RIGHT OF ACTION

NOW INTO COURT, through undersigned counsel, comes the CITY OF LAFAYETTE (hereinafter sometimes referred to as "Lafayette" or "Appellee"), who respectfully submits this Exception of No Right of Action in response to the Appeal from the Lafayette Board of Zoning Adjustment ("BOZA"), Case Number 2025-23-BZ, filed herein by Appellant, LAFAYETTE CENTRE DEVELOPMENT DISTRICT d/b/a Downtown Development Authority (hereinafter sometimes referred to as "DDA" or "Appellant"), on the grounds that DDA does not qualify as an "aggrieved party" sufficient to confer standing upon DDA to bring this Appeal.

WHEREFORE, considering the foregoing, and as more fully stated in the attached memorandum, the CITY OF LAFAYETTE prays that its Exception of No Right of Action be set for hearing before this Honorable Court on January 20, 2026, and further prays that its exception be granted dismissing all claims of Appellant, DDA, with prejudice, at Appellant's cost.

Respectfully submitted,

GAUTHIER & GRANGER, L.L.C

BY: /s/ Daniel J. Gauthier

Daniel J. Gauthier (#37693)

Christopher D. Granger (#35153)

1118 Jefferson Street

Lafayette, LA 70501

P.O. Box 2040

Lafayette, LA 70502

Phone: (337) 534-8026

Email: daniel@gauthiergranger.com

Counsel for Appellee,
CITY OF LAFAYETTE

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17 day of December, 2025, served a copy of the foregoing pleading on counsel for all parties and/or all unrepresented parties by facsimile, by electronic mail, by hand delivery and/or by United States mail, properly addressed and first class postage prepaid.

/s/ Daniel J. Gauthier
DANIEL J. GAUTHIER

LAFAYETTE CENTRE DEVELOPMENT DISTRICT
D/B/A DOWNTOWN DEVELOPMENT AUTHORITY

VS.

THE CITY OF LAFAYETTE
(LAFAYETTE BOARD OF ZONING ADJUSTMENT)

15TH JUDICIAL DISTRICT COURT

PARISH OF LAFAYETTE

STATE OF LOUISIANA

DOCKET NO.: C-20257538-J

**MEMORANDUM IN SUPPORT OF
PEREMPTORY EXCEPTION OF NO RIGHT OF ACTION**

MAY IT PLEASE THE COURT:

For the reasons more fully outlined hereinbelow, the CITY OF LAFAYETTE ("Lafayette") objects to the Appeal filed by LAFAYETTE CENTRE DEVELOPMENT DISTRICT d/b/a Downtown Development Authority (hereinafter sometimes referred to as "DDA" or "Appellant") on the grounds that DDA has no standing to bring this Appeal.

STANDING ALLEGATIONS ASSERTED OF DDA

Recognizing that standing was going to be a threshold issue in this Appeal, DDA makes a variety of allegations in its attempt to establish that it has standing to bring this Appeal:

- [The Subject] property is located within the geographical boundaries of [sic] political subdivision known as the [DDA].¹
- The DDA has standing as an "aggrieved party" as that term is defined in La. R.S. 33:4727(E)(1).²
- The DDA has standing by virtue of its inherent authority to preserve the public health, safety, and welfare of [Downtown Lafayette].³
- The DDA has standing to seek correction of an improper and ultimately illegal decision by [BOZA] because [DDA] owns a historic property known as the Sans Souci building located ... in the downtown area.⁴
- The DDA has standing and a compelling interest in preserving the integrity of its own procedures and in the avoidance of false assertions by any member of the public as to those processes.⁵

Irrespective of how many different ways standing is alleged, Louisiana law simply does not afford DDA the ability to bring this Appeal.

THE STANDING REQUIREMENT PURSUANT TO LA. R.S. 33:4727(E)(1)

The ability of a party to seek the Judicial Review of a decision of BOZA is set forth in Louisiana Revised Statutes 33:4727(E)(1). This statute provides, in pertinent part, that "[a]ny person or persons jointly or severally aggrieved by any decision by the board of adjustment ...

¹ DDA Appeal ¶ 3.

² DDA Appeal ¶ 4.

³ *Id.*

⁴ DDA Appeal ¶ 6.

⁵ DDA Appeal ¶ 7.

may present to the district court of the parish or city in which the property affected is located a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality.”⁶ Thus, in order to have standing to appeal BOZA’s decision, one must be “aggrieved” by BOZA’s decision.

Despite DDA’s allegation in its Appeal Petition to the contrary, the term “aggrieved party” is not defined by the statute. Instead, one must look to the jurisprudence of this State for guidance on who qualifies as an “aggrieved party” sufficient to confer standing to file an appeal under La. R.S. 33:4727(E)(1). Ironically, Lafayette has already successfully litigated this exact issue, and the Third Circuit’s 2014 decision in *Bass Custom Signs, LLC v. Lafayette City-Par. Consol. Gov’t*, provides clear, unambiguous guidance on the standard to determine “aggrieved party” status.⁷ Much like this case, *Bass* involved an Appeal filed by a person who was unhappy with the decision of Lafayette’s BOZA. When the District Court granted Lafayette’s Exception of No Right of Action and dismissed Bass’ Appeal, Bass filed an appeal with the Third Circuit on the sole issue of whether it qualified as “a person aggrieved” who is entitled to bring an Appeal of BOZA pursuant to La. R.S. 33:3727(E)(1). On this issue, the Third Circuit adopted the following rationale and analysis:

While it is simple enough to state that a “person aggrieved” has standing to challenge zoning in court, the problem arises of determining who is a “person aggrieved.” The exact contours of the definition, and thus, the determination of who has standing, have developed largely in state common law. **Generally, two elements are required. The plaintiff must show some interest in land affected by the zoning and the plaintiff must allege specific pecuniary damage.**⁸

In addition to this two-prong test, the Third Circuit in *Bass* noted, perhaps in *dicta*, that other Louisiana Circuit Courts of Appeal have recognized that “owners of neighboring property and neighborhood associations have been granted standing.”⁹ Under either or both tests, however, the Appeal Petition filed by DDA falls woefully short of establishing standing to file this Appeal.

WHAT IS DDA?

DDA is merely an advisory board and recommending body relegated to reporting to Lafayette on “programs” and “plans” related to development within Lafayette’s Central Business District (“Downtown Lafayette”).¹⁰ Its purpose, since its creation in 1983, was and is to aid Lafayette in its efforts to halt the deterioration of property values in Downtown Lafayette. To

⁶ La. R.S. 33:4727(E)(1).

⁷ 14-131 (La. App. 3 Cir. 10/8/14), 149 So. 3d 965, 966, writ denied, 14-2364 (La. 2/6/15), 158 So. 3d 820.

⁸ *Id.* at 967 (emphasis added).

⁹ *Id.* at 968.

¹⁰ Act 194 of 1983 § 4(b).

carry out this purpose, DDA is tasked with making recommendations (for Lafayette's approval or rejection) on programs and plans regarding Downtown Lafayette. All power and decision-making authority related to development in Downtown Lafayette has always rested, and continues to rest, with Lafayette. Even as it relates to DDA itself, DDA relies heavily on Lafayette's approval for its operations.¹¹ Importantly, DDA has zero authority or power to approve, disapprove, question, or challenge any proposed development submitted to Lafayette's BOZA. No State or local law or regulation requires Lafayette, its BOZA, or owners or developers of property to seek or obtain approval of DDA related to any proposed development. Whether DDA has knowledge of and "approves" or "disapproves" of any proposed development in Downtown Lafayette is entirely irrelevant to the standard that State law requires BOZA to apply when considering variances.

Nevertheless, in recent months, Lafayette has witnessed DDA grossly overstepping its assigned role by attempting to insert itself in matters that fall beyond the scope of its purpose and for which it has no control or authority. This Appeal is a prime example.

DDA LACKS THE NECESSARY STANDING TO FILE THIS APPEAL

Armed with an accurate factual understanding of what DDA is (and what it is not), we now turn to whether DDA meets the legal requirement for standing to bring this Appeal pursuant to La. R.S. 33:4727(E)(1).

I. DDA Cannot Meet the Third Circuit's Two-Prong Test for Standing Established in *Bass*

Recall that in *Bass*, the Third Circuit held that "two elements are required" to confer standing to file an Appeal pursuant to La. R.S. 33:4727: (i) "the plaintiff must show some interest in land affected by the zoning"; and (ii) "the plaintiff must allege specific pecuniary damage."¹²

Unsurprisingly, DDA's Appeal Petition is entirely devoid of any fact or allegation as to either prong. With regard to the first prong, DDA advances no allegation whatsoever that the property it owns in Downtown Lafayette has been "affected by the zoning" decision of BOZA. As to the second prong, DDA's Appeal Petition fails to mention, much less sufficiently allege, "specific pecuniary damage" as a result of BOZA's action. Because DDA has not (and cannot)

¹¹ See Act 194 of 1983 § 3A ("[DDA] shall ... consist| of seven members appointed by the Lafayette City Council appoints all seven members of DDA. ... The [Lafayette] city council may remove any member for cause.") see also Act 194 of 1983 § 4C ("The [Lafayette] City Council shall review and consider any proposed development program submitted to it by [DDA] and shall adopt or reject such proposal.") see also Act 194 of 1983 § 5A ("The [DDA] may submit to the [Lafayette] City Council recommendations for the levy of a special ad valorem tax...") see also Act 194 of 1983 § 5C ("[T]he ... operational budget of the [DDA] shall be submitted to the Lafayette City Council for approval.").

¹² *Bass*, 149 So. 3d at 967.

satisfy either prong of the two-prong standing test established by the Third Circuit in *Bass*, DDA is not an “aggrieved party” with standing to file this Appeal.

2. Mere Ownership of Property in Downtown Lafayette Does Not Confer Standing

Next, DDA alleges that it “has standing to seek correction of an improper and ultimately illegal decision by [BOZA] because [DDA] owns a historic property known as the Sans Souci building located ... in the downtown area.”¹³ Lafayette does not dispute that DDA appears to own a single parcel of property in Downtown Lafayette. Mere ownership of property, however, does not confer standing upon the DDA to maintain this Appeal.

Of course, owners of property that are directly affected by a decision of BOZA have standing to appeal.¹⁴ In *Bass*, for example, the Third Circuit stated that, although Bass did not have standing as a contractor who lost a contract due to a decision of BOZA, the property owner whose property was directly affected by BOZA’s decision would. This type of factual pattern is not present in this case.

In addition, Lafayette acknowledges that, in certain circumstances, property owners directly adjacent to (or even within close proximity of) the property subject to BOZA’s decision may qualify as an “aggrieved party” to bring an Appeal of same. Lafayette expressly recognizes the interest that neighbors in close proximity may have in BOZA’s decision to grant or deny variances. In fact, before BOZA can decide whether to grant or deny a requested variance, Lafayette’s Development Code, specifically Section 89-68(d) therein, requires that “[n]otice [be] mailed to owners of property located within 200 feet of the proposed development...”.¹⁵

Not only does DDA’s property fall outside of the 200-foot radius for which written notice of BOZA’s October 9, 2025 meeting was required, DDA’s property is more than *three times* the radius. Said differently, DDA’s property is so far removed from the property at issue in this Appeal that it is not even within the group of owners entitled to receive written notice of the public meeting where BOZA will decide upon a requested variance – not even close. The fact that DDA owns property blocks away from the property concerned in this Appeal, coupled with the fact that DDA’s Appeal Petition make no allegation whatsoever that its property is affected by BOZA’s decision is conclusive. DDA’s argument that its status as a property owner affords it standing to bring this Appeal lacks merit.

¹³ DDA Appeal ¶ 6.

¹⁴ See generally *Bass*, 149 So. 3d 965.

¹⁵ See LDC 89-68(d).

3. DDA's Enabling Legislation Does Not Give It Standing

Finally, DDA alleges in its Appeal Petition that it “has standing by virtue of its inherent authority to preserve the public health, safety, and welfare of [Downtown Lafayette]”¹⁶ and that it has “a compelling interest in preserving the integrity of its own procedures.”¹⁷

With regard to this first allegation, nowhere in its enabling legislation is DDA tasked with preserving the public health, safety, and welfare of Downtown Lafayette. Although not entirely clear, it appears that DDA is mis-interpreting its own enabling legislation. The only reference to “public health, safety, and welfare” in Act 194 of 1983 § 1 is in the introductory phrase of the Act, which provides:

The legislature hereby finds and declares that it is necessary for the public health, safety, and welfare of the city of Lafayette that the property value deterioration in the principal area or areas of the city of Lafayette known generally as the Central Business District be halted and that the causes of such deterioration be halted.¹⁸

The Act then goes on to describe DDA's purpose rather simply – to recommend programs and plans to Lafayette that will “*aid and encourage private development*” of the area and to promote and coordinate public development¹⁹ in Downtown Lafayette. In filing this Appeal, Lafayette submits that DDA is engaging in conduct that only serves to frustrate private development in and the revitalization of Downtown Lafayette; conduct that runs counter to very purpose for which it was created.

With regard to DDA's allegation of a “compelling interest to preserv[e] the integrity of its own procedures”²⁰ it is unclear what “procedures” DDA is referring to here. Nowhere in its enabling legislation is DDA given the authority, power, or task of approving, disapproving, questioning, or challenging any proposed development submitted to Lafayette's BOZA – whether located in Downtown Lafayette or not. Locally, the Lafayette Development Code, which is Lafayette's comprehensive set of zoning and development rules and regulations (including those for Downtown Lafayette), does not even reference or mention DDA – not once. Put succinctly, the application and procedures related to Lafayette's zoning and development regulations are Lafayette's and Lafayette's alone. DDA has no power or authority involving Lafayette's regulations or procedures, and DDA is without standing to assert itself into a decision of Lafayette's BOZA related to such regulations and procedures.

¹⁶ DDA Appeal ¶ 4.

¹⁷ DDA Appeal ¶ 7.

¹⁸ Act 194 of 1983 § 1

¹⁹ Act 194 of 1983 § 4(b) (emphasis added).

²⁰ DDA Appeal ¶ 7.

CONCLUSION

DDA does not qualify as an “aggrieved party” with standing to file an appeal pursuant to La. R.S. 33:4727(E)(1). Applying the Third Circuit’s two-prong test, DDA owns no property affected by BOZA’s decision and DDA advances no allegation of any pecuniary damage or loss related to its property. The property that DDA does own is well outside the radius of property owners afforded notice of the very BOZA meeting from which this Appeal is taken, and is not a property within the view of the property at issue in this Appeal. Finally, DDA’s enabling legislation reveals the limited, advisory nature of DDA’s existence. DDA’s sole mission is to aid in Downtown Development, not to stifle it by tying up such development in litigation. Because the DDA is unable to show it is a party aggrieved by BOZA’s decision, it lacks standing to bring this Appeal.

Respectfully submitted,

GAUTHIER & GRANGER, L.L.C.

BY: /s/ Daniel J. Gauthier
Daniel J. Gauthier (#37693)
Christopher D. Granger (#35153)
1118 Jefferson Street
Lafayette, LA 70501
P.O. Box 2040
Lafayette, LA 70502
Phone: (337) 534-8026
Email: daniel@gauthiergranger.com

Counsel for Appellee,

CITY OF LAFAYETTE

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17 day of December, 2025, served a copy of the foregoing pleading on counsel for all parties and/or all unrepresented parties by facsimile, by electronic mail, by hand delivery and/or by United States mail, properly addressed and first class postage prepaid.

/s/ Daniel J. Gauthier
DANIEL J. GAUTHIER

C-20257538
J

LAFAYETTE CENTRE DEVELOPMENT DISTRICT
D/B/A DOWNTOWN DEVELOPMENT AUTHORITY

VS.

THE CITY OF LAFAYETTE
(LAFAYETTE BOARD OF ZONING ADJUSTMENT)

15TH JUDICIAL DISTRICT COURT

PARISH OF LAFAYETTE

STATE OF LOUISIANA

DOCKET NO.: C-20257538-J

ORDER

Considering the foregoing Peremptory Exception of No Right of Action filed by Appellee,
CITY OF LAFAYETTE:

IT IS HEREBY ORDERED that the Appellant, LAFAYETTE CENTRE
DEVELOPMENT DISTRICT d/b/a Downtown Development Authority show cause, if any it has,
on the 20th day of January, 2026 at 10:00 A.M. at the Lafayette Parish Courthouse, Lafayette,
Louisiana, as to why Lafayette's Peremptory Exception of No Right of Action should not be
granted as prayed for, at Appellant's cost.

THUS ORDERED AND SIGNED at Lafayette, Louisiana, this 19 day of
December, 2025.


HON. JUDGE JOHN TRAHAN
15TH JUDICIAL DISTRICT COURT JUDGE

PLEASE SERVE:

LAFAYETTE CENTRE DEVELOPMENT DISTRICT
d/b/a Downtown Development Authority
by and through its Counsel
Lester J. Gauthier
Law Offices of Lester J. Gauthier
306 S. Pierce Street
Lafayette, LA 70501

LAFAYETTE CENTRE DEVELOPMENT DISTRICT
D/B/A DOWNTOWN DEVELOPMENT AUTHORITY

VS.

THE CITY OF LAFAYETTE
(LAFAYETTE BOARD OF ZONING ADJUSTMENT)

15TH JUDICIAL DISTRICT COURT

PARISH OF LAFAYETTE

STATE OF LOUISIANA

DOCKET NO.: C-20257538-J

MOTION TO STRIKE

NOW INTO COURT, through undersigned counsel, comes the CITY OF LAFAYETTE (hereinafter sometimes referred to as “Lafayette” or “Appellee”), who, for the following reasons as well as those more fully outlined in the memorandum attached hereto, respectfully submits this Motion to Strike in response to the Appeal from the Lafayette Board of Zoning Adjustment (“BOZA”), Case Number 2025-23-BZ, filed herein by Appellant, LAFAYETTE CENTRE DEVELOPMENT DISTRICT d/b/a Downtown Development Authority (hereinafter sometimes referred to as “DDA” or “Appellant”).

1.

This matter is an Appeal, filed by DDA pursuant to La. R.S. 33:4727(E), appealing a decision of BOZA related to a proposed residential development located at 444 Jefferson Street, Lafayette, Louisiana.

2.

Attached to DDA’s Appeal are the following Exhibits:

Plaintiff’s Exhibit 1 – Notice of Grant of Variance by BOZA

Unmarked Exhibit – Affidavit of Kevin Blanchard, CEO of DDA

Plaintiff’s Exhibit A – E-mail Correspondence dated August 8, 2025

Plaintiff’s Exhibit B – E-mail Correspondence dated August 11, 2025

Plaintiff’s Exhibit C – E-mail Correspondence dated September 12, 2025

Plaintiff’s Exhibit D – Unofficial Transcript of BOZA’s October 9, 2025 Meeting

Plaintiff’s Exhibit E – E-mail Correspondence dated October 13, 2025

3.

This Motion sets forth Lafayette’s objection to and desire to strike, from the record of this proceeding, the evidentiary attachments submitted by DDA as set forth in Paragraph 2 above, as well as Paragraphs 12 and 14 of DDA’s Appeal, or portions thereof, which reference said attachments and other documents outside of the Record considered by BOZA.

4.

La. R.S. 33:4727(E) provides for the process by which an aggrieved party¹ may appeal a decision of BOZA. This includes the District Court setting a return date by which BOZA shall “return certified or sworn copies” of the “papers acted upon by it” to the District Court (the “Record”).²

5.

This statute further provides that “the party requesting the appeal or writ shall bear the costs of transcribing the auditory recording of the meeting in which the adverse board of adjustment decision was rendered.”³

6.

The Record established before BOZA has not yet been compiled and submitted to this Honorable Court.

7.

Because this Appeal filed by DDA seeks this Honorable Court’s Judicial Review of a decision of BOZA, and because the Record has not yet been certified to this Honorable Court, all evidentiary attachments submitted by DDA in conjunction with its Appeal, and all corresponding allegations to such attachments in its Appeal Petition are inappropriate and must be stricken from the record of these proceedings.

WHEREFORE, considering the foregoing, and for the reasons more fully outlined in the Memorandum in Support submitted herewith, Lafayette prays that, following due hearing, this Motion be granted and that this Honorable Court issue an Order:

- (1) Striking, from the record of this Appeal, all evidentiary attachments submitted by DDA in conjunction with its Appeal, as well as all corresponding allegations to such attachments and other documents in its Appeal Petition; and
- (2) For all other reasonable and equitable relief as may be appropriate.

{Signature of Counsel and Certificate of Service on Following Page}

{Remainder of Page Intentionally Left Blank}

¹ DDA lacks standing to bring this appeal as it is not an “aggrieved party” under La. R.S. 33:4727(E)(1).

² See La. R.S. 33:4727(H)(2).

³ *Id.*

Respectfully submitted,

GAUTHIER & GRANGER, L.L.C.

BY: /s/ Daniel J. Gauthier

Daniel J. Gauthier (#37693)

Christopher D. Granger (//35153)

1118 Jefferson Street

Lafayette, LA 70501

P.O. Box 2040

Lafayette, LA 70502

Phone: (337) 534-8026

Email: daniel@gaithiergranger.com

Counsel for Appellee,

CITY OF LAFAYETTE

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17 day of December, 2025, served a copy of the foregoing pleading on counsel for all parties and/or all unrepresented parties by facsimile, by electronic mail, by hand delivery and/or by United States mail, properly addressed and first class postage prepaid.

/s/ Daniel J. Gauthier

DANIEL J. GAUTHIER

CITIZENS FOR A
New Louisiana

LAFAYETTE CENTRE DEVELOPMENT DISTRICT
D/B/A DOWNTOWN DEVELOPMENT AUTHORITY

VS.

THE CITY OF LAFAYETTE
(LAFAYETTE BOARD OF ZONING ADJUSTMENT)

15TH JUDICIAL DISTRICT COURT

PARISH OF LAFAYETTE

STATE OF LOUISIANA

DOCKET NO.: C-20257538-J

**MEMORANDUM IN SUPPORT OF
MOTION TO STRIKE**

MAY IT PLEASE THE COURT:

This matter is an Appeal, filed by DDA, requesting Judicial Review by this Honorable Court of a decision of BOZA pursuant to La. R.S. 33:4727. For decades, the Louisiana Supreme Court has established and re-affirmed the following principles and standards to be applied by District Courts on Judicial Review of zoning decisions like that of BOZA in this Appeal:

Because zoning falls under the jurisdiction of the legislature, courts will not interfere with their prerogative unless the action is palpably erroneous and without any substantial relation to the public health, safety, or general welfare.⁴

When there is room for two opinions, an action is not arbitrary or capricious when exercised honestly and upon due consideration, even though it may be believed an erroneous conclusion has been reached.⁵

Whether an ordinance bears the requisite relationship to the health, safety, and welfare of the public is a factual question which must be determined from the evidence in the record.⁶

Consistent with the foregoing principles, the sole issue and standard on Judicial Review to be applied by the District Court in this Appeal is whether BOZA acted arbitrarily and capriciously when it granted the variances requested at its October 9, 2025 meeting. DDA appears to recognize this reality, and alleges in its Appeal that “the decision by BOZA was improvidently and illegally granted, and was thus arbitrary and capricious,”⁷ and “prays that this Court reverse or modify the improvident, arbitrary, capricious, and illegal decision of [BOZA]....”⁸

Lafayette respectfully submits that the District Court’s arbitrary and capricious analysis on Judicial Review of BOZA’s decision must necessarily be limited to those materials and information upon which BOZA’s decision was based. To conclude otherwise could produce an absurd result – a finding that BOZA acted in an arbitrary and capricious manner based on evidence, documents, testimony, and/or information it never heard or considered.

⁴ *Toups v. City of Shreveport*, 10–1559, pp. 3–4 (La. 3/15/11), 60 So. 3d 1215, 1217–18 (citing *King v. Caddo Parish Commission*, 97–1873 (La.10/20/98), 719 So. 2d 410).

⁵ *Id.* at 1217 (citing *Four States Realty Co., Inc. v. City of Baton Rouge*, 309 So. 2d 659, 664 (La.1974)).

⁶ *Palermo Land Co., Inc. v. Planning Com’n of Calcasieu Parish*, 561 So.2d 482, 492 (La. 1990) (emphasis added).

⁷ DDA Appeal ¶ 13.

⁸ DDA Appeal – Prayer for Relief.

Lafayette acknowledges the language of La. R.S. 33:4727(E)(4), which provides, in pertinent part, that, if “upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter,” the Court may “take additional evidence or appoint a referee to take such evidence as it may direct.”⁹ The Record established before BOZA has not yet been compiled and submitted to this Honorable Court as contemplated by La. R.S. 33:4727(E)(2)¹⁰ in order for this Court to decide whether additional evidence is “necessary.” Even if this Court ultimately deems it “necessary” to go outside of the Record to decide this Appeal (which, of course, has not occurred and may never occur), such evidence should only be offered “upon the hearing,” not in DDA’s unilateral attachment of documents to its Appeal Petition.

Considering the foregoing, DDA’s attempted inclusion of documents outside of the Record established before BOZA, as well as DDA’s reference to such documents in its Appeal Petition is inappropriate, and such must be stricken from the record of these proceedings.

Respectfully submitted,

GAUTHIER & GRANGER, L.L.C.

BY: /s/ Daniel J. Gauthier
Daniel J. Gauthier (#37693)
Christopher D. Granger (#35153)
1118 Jefferson Street
Lafayette, LA 70501
P.O. Box 2040
Lafayette, LA 70502
Phone: (337) 534-8026
Email: daniel@gauthiergranger.com

Counsel for Appellee,
CITY OF LAFAYETTE

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17 day of December, 2025, served a copy of the foregoing pleading on counsel for all parties and/or all unrepresented parties by facsimile, by electronic mail, by hand delivery and/or by United States mail, properly addressed and first class postage prepaid.

 /s/ Daniel J. Gauthier
DANIEL J. GAUTHIER

⁹ La. R.S. 33:4727(E)(4).

¹⁰ See La. R.S. 33:4727(B)(2) (Providing that the District Court may set a return date by which BOZA shall “return certified or sworn copies” of the “papers acted upon by it” to the District Court).

LAFAYETTE CENTRE DEVELOPMENT DISTRICT
D/B/A DOWNTOWN DEVELOPMENT AUTHORITY

VS.

THE CITY OF LAFAYETTE
(LAFAYETTE BOARD OF ZONING ADJUSTMENT)

15TH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE

STATE OF LOUISIANA

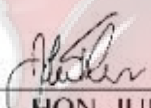
DOCKET NO.: C-20257538-J

ORDER

CONSIDERING the foregoing Motion to Strike:

IT IS HEREBY ORDERED that the Appellant, LAFAYETTE CENTRE DEVELOPMENT DISTRICT d/b/a Downtown Development Authority show cause, if any it has, on the 20th day of January, 2026, at 10:00 A.M. at the Lafayette Parish Courthouse, Lafayette, Louisiana, as to why the attachments to Appellant's Appeal should not be stricken from the record of these proceedings.

THUS ORDERED AND SIGNED at Lafayette, Louisiana, this **19** day of **December**, 2025.



HON. JUDGE JOHN TRAHAN
15th JUDICIAL DISTRICT COURT

PLEASE SERVE:

LAFAYETTE CENTRE DEVELOPMENT DISTRICT
d/b/a Downtown Development Authority
by and through its Counsel
Lester J. Gauthier
Law Offices of Lester J. Gauthier
306 S. Pierce Street
Lafayette, LA 70501

CITIZENS FOR A
New Louisiana