

FOURTH CIRCUIT COURT OF APPEAL

STATE OF LOUISIANA

DOCKET NO. 2004-CA-1521

FORUM FOR EQUALITY PAC, a registered Louisiana political action
committee, LAWRENCE E. BEST, JEANNE M. LEBLANC
and WILLIAM A. SCHULTZ

Plaintiffs - Appellees

VERSUS

THE CITY OF NEW ORLEANS and
THE HONORABLE FOX W. McKEITHEN,
in his official capacity as SECRETARY OF STATE OF LOUISIANA only,
and not individually

Defendants - Appellee and Appellant

APPEAL FROM THE CIVIL DISTRICT COURT
FOR THE PARISH OF ORLEANS

DOCKET NO. 2004-11325

STATE OF LOUISIANA

JUDGE CHRISTOPHER BRUNO, PRO TEMPORE, PRESIDING

ORIGINAL BRIEF FILED ON BEHALF OF
THE CITY OF NEW ORLEANS
DEFENDANT - APPELLEE

Respectfully submitted,

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STATEMENT OF THE CASE

The case has been fully and completely stated in the briefs of the Appellants and Appellees. The City of New Orleans therefore adopts the statement of the case of the other parties.

ACTION IN THE DISTRICT COURT

Trial on the Permanent Injunction took place on August 20, 2004 before the Honorable Christopher Bruno, Judge Pro Tempore of the Civil District Court for the Parish of Orleans, who granted a permanent injunction against the election on the proposed Constitutional Amendment #1. Judgment to that effect, along with written reasons therefore were signed and issued on August 20, 2004.

The City of New Orleans filed an answer to the Petition of the Plaintiffs, but made no argument in the hearing on the Preliminary Injunction or at the trial on the Permanent Injunction.

FACTS

The facts of this matter have been fully set forth in the briefs of the Plaintiffs-Appellees and the Secretary of State, Appellant.

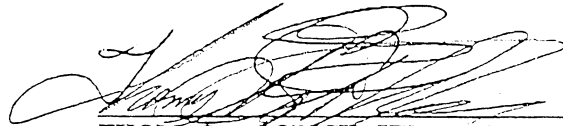
LAW AND ARGUMENT

The City of New Orleans, defendant herein, strongly denies that the proposed constitutional amendment, if ratified, invalidates the City's Domestic Partner Ordinance. Such ordinance provides for the *registry* of domestic partners living in New Orleans – same or opposite sex. The registry grants no rights or privileges; thus, it is completely distinct and far removed from a marriage or civil union.

However, to the extent that the proposed amendment may precipitate

litigation as to the validity of the City's Domestic Partnership Ordinance, the City argues that the amendment may indeed constitute a dual object, which is prohibited by the Louisiana Constitution. Indeed, even to the extent that a voter may *perceive* that the proposed amendment calls into question the City's ordinance, such amendment may be in violation of the constitutional requirement for a single object in any proposed amendment that voters must consider.

Respectfully submitted,



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I hereby certify that a copy of the foregoing pleading was served upon counsel for all parties by hand delivery or by placing in the U.S. Mail, postage prepaid and properly addressed, to:

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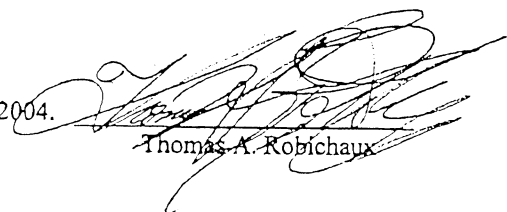
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This 26th day of August, 2004.



Thomas A. Robichaux