

FILED
JAN 16 2013

**IN THE CHANCERY COURT OF HARRISON COUNTY
SECOND JUDICIAL DISTRICT**

JOHN MCADAMS, CHANCERY CLERK
By *[Signature]* D.C.
PLAINTIFF

GULF PUBLISHING COMPANY, INC.

VERSUS

CAUSE NO. ... 13-32(2)

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

DEFENDANT

COMPLAINT

COMES NOW Plaintiff, GULF PUBLISHING COMPANY, INC. ("Gulf Publishing"), and files this its Complaint against the Mississippi Department of Marine Resources and in support would show the following:

I.

Plaintiff is a Mississippi corporation, which publishes *The Sun Herald* newspaper in both the First and Second Judicial Districts of Harrison County, and is headquartered in the First Judicial District of Harrison County, Mississippi.

II.

Defendant, Mississippi Department of Marine Resources, is a public body as defined by §25-61-3(a) Mississippi Code (Mississippi Public Records Act) .

III.

On December 27, 2012, reporter Anita Lee on behalf of Gulf Publishing's *The Sun Herald* newspaper made a public records request from the Mississippi Department of Marine Resources. The public records request is attached hereto as Exhibit "A" and requested the

following public records as defined by §25-61-3(b) Mississippi Code (Mississippi Public Records Act):

Account receipts, expenditures & balances for Artificial Reef Program
Account - for fiscal years ending June 30 of 2008, 2009, 2010, 2011,
2012.

IV.

The Mississippi Department of Marine Resources has wrongfully denied Gulf Publishing's public records request claiming that the requested documents were exempt under the Mississippi Public Records Act pursuant to §§25-61-3(f) and 25-61-12(2)(a) Mississippi Code (Mississippi Public Records Act). Plaintiff would show that the requested records are neither exempt pursuant to these statutes cited by the Department of Marine Resources nor pursuant to any other provision of the Mississippi Public Records Act.

V.

Gulf Publishing would show that pursuant to §§25-61-1 and 25-61-2 Mississippi Code (Mississippi Public Records Act), the Department of Marine Resources has a duty to allow Gulf Publishing to inspect and/or copy the public records set forth on Exhibit "A", which are subject to this public records request. That duty was breached.

VI.

Gulf Publishing would further show that in construing the Mississippi Public Records Act openly in favor of access and strictly against the existence of any exemption or exemptions, the Court should enter an order requiring the Mississippi Department of Marine Resources to make Gulf Publishing's requested public records available for inspection and/or copying either before or after the Court views the public records outside the presence of the parties.

VII.

Pursuant to §25-61-13 Mississippi Code (Mississippi Public Records Act), this action “shall take precedence on the docket over all other matters” and should “be assigned for hearing and trial at the earliest practicable date and expedited in every way”. Gulf Publishing requests that the Court set this case for hearing upon 3 days notice to the Department of Marine Resources and that the Court thereafter enter an order compelling production of the public records at issue for inspection and/or copying.

WHEREFORE, PREMISES CONSIDERED, Gulf Publishing Company, Inc. files this its Complaint under the Mississippi Public Records Act and requests the Court to enter an order compelling the Mississippi Department of Marine Resources to produce for inspection and/or copying those public records set forth on Exhibit “A” to the Complaint along with attorney’s fees and costs provided by §25-61-15 Mississippi Code (Mississippi Public Records Act) , and if mistaken in the relief being sought, then Gulf Publishing Company, Inc. requests such other further, and general relief as in equity it may be entitled to receive.

RESPECTFULLY SUBMITTED this the 16th day of January, 2013.

GULF PUBLISHING COMPANY, INC.

By:


Henry Laird, Mississippi Bar No. 1774

Henry Laird (MSB# 1774)
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litig.

Mike Walker



REQUEST FOR DISCLOSURE OF PUBLIC RECORDS

I. INFORMATION ON INDIVIDUAL MAKING REQUEST

PURSUANT to the MISSISSIPPI PUBLIC RECORDS ACT of 1983, the undersigned requests disclosure of the described public record.

1. <u>Anita LEE</u> (FULL NAME - PRINTED OR TYPED)	<u>Sun Herald</u> (COMPANY OR ORGANIZATION)
2. _____ (PERSONAL ADDRESS)	<u>PO Box 1567</u> (BUSINESS ADDRESS)
3. _____ (CITY)	<u>Biloxi, MS. 39535</u> (CITY)
4. _____ (STATE) (ZIP CODE)	<u>MS 39530</u> (STATE) (ZIP CODE)
5. _____ TELEPHONE (HOME)	<u>228-896-2331</u> TELEPHONE (BUSINESS)
6. _____ EMAIL ADDRESS	<u>228-896-2107</u> FAX NUMBER

II. DESCRIPTION OF PUBLIC RECORD REQUESTED

7. Please describe the specific public record you wish disclosed, including the date of the record, subject matter, work area or person involved, or other identifier which will permit location or retrieval of the public record:

Account receipts, expenditures
& balances for Artificial Reef
Program Account - for fiscal
years ending June 30 of 2008,
2009, 2010, 2011, 2012

009-3



8. Does the information sought contain a trade secret, confidential commercial or financial information, to your knowledge? yes no

9. Is the information sought contained in a large volume of records, to your knowledge? yes no

III. AGREEMENT TO PAY COSTS

I UNDERSTAND that a fee shall be charged to cover the direct costs of search, review, and reproduction, and I agree to pay such costs prior to the production of the public record. The fee charged will be in accordance with the fee schedule of the Department of Marine Resources and all costs associated with any records search. I understand that the costs for reproducing/searching and reviewing records may exceed initial estimates and agree to pay additional costs if they exceed the original estimates.

IMPORTANT: Theft or alteration of state records is a crime punishable by law, Miss. Code Ann. §25-59-23 (1972). This office prosecutes violators.

12-27-12
(DATE OF REQUEST)

White Lee
(PLEASE PRINT NAME)

White Lee
(SIGNATURE)

For Office Use Only



Henry F. Laird
Not admitted in Alabama
hlaird@joneswalker.com

January 16, 2013

VIA HAND-DELIVERY

Mr. John McAdams
Chancery Court Clerk
730 Martin Luther King Drive
Biloxi, MS 39533

Re: Gulf Publishing Company, Inc. v. Mississippi Department of Marine Resources

Dear Mr. McAdams:

Enclosed please find the Complaint in the above styled case which I would appreciate your filing and stamping the enclosed copy as filed.

Also enclosed please find the Civil Cover Sheet and a check in the amount of \$153.00 as payment for your filing fee.

My client, Gulf Publishing Company, Inc., is seeking an expedited hearing upon 3 days notice to the Defendant, Mississippi Department of Marine Resources.

Very truly yours,

A handwritten signature in black ink that reads "Henry Laird".

Henry Laird

HFL/ld

Enclosures

cc: Sandy Chesnut, Esquire (via email sandy.chesnut@dmr.ms.gov)
Chancery Court Administrator (via email)

JONES, WALKER, WAECHTER, POITEVENT, CARRÈRE & DENÈGRE L.L.P.

COVER SHEET

Case: 2012-13-cv-00092 Court Identification Docket # 2-1 Filed: 01/16/2013 Page 1 of 1 Docket Number

Civil Case Filing Form

(To be completed by Attorney/Party Prior to Filing of Pleading)

County # 24 Judicial Court ID District (CH, CI, CO) 01/16/13

2013

Local Docket ID

Mississippi Supreme Court Form AOC/01 Administrative Office of Courts (Rev 2009)

This area to be completed by clerk

Case Number if filed prior to 1/1/94

In the CHANCERY Court of HARRISON County - SECOND Judicial District

Origin of Suit (Place an "X" in one box only)

- Initial Filing, Reinstated, Foreign Judgment Enrolled, Transfer from Other court, Other, Remanded, Reopened, Joining Suit/Action, Appeal

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV
Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity D/B/A or Agency

Business Gulf Publishing Company, Inc.
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated
Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: D/B/A

Address of Plaintiff Post Office Box 4567, Biloxi, MS 39535

Attorney (Name & Address) Henry Laird, Post Office Box 160, Gulfport, MS 39502 MS Bar No. 1774

Check (x) if Individual Filing Initial Pleading is NOT an attorney
Signature of Individual Filing: [Signature]

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV
Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency

Business Mississippi Department of Marine Resources, 1141 Bayview Ave, Biloxi, MS 39530
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated
Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: D/B/A

Attorney (Name & Address) - If Known MS Bar No.

Damages Sought: Compensatory \$ Punitive \$ Check (x) if child support is contemplated as an issue in this suit.*
*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)
Domestic Relations: Child Custody/Visitation, Child Support, Contempt, Divorce: Fault, Divorce: Irreconcilable Diff., Domestic Abuse, Emancipation, Modification, Paternity, Property Division, Separate Maintenance, Termination of Parental Rights, UIFSA (eff 7/1/97; formerly URESA), Other
Business/Commercial: Accounting (Business), Business Dissolution, Debt Collection, Employment, Foreign Judgment, Garnishment, Replevin, Other
Probate: Accounting (Probate), Birth Certificate Correction, Commitment, Conservatorship, Guardianship, Heirship, Intestate Estate, Minor's Settlement, Monument of Title, Name Change, Testate Estate, Will Contest, Other
Children/Minors - Non-Domestic: Adoption - Contested, Adoption - Uncontested, Consent to Abortion Minor, Removal of Minority, Other
Civil Rights: Elections, Expungement, Habeas Corpus, Post Conviction Relief/Prisoner, Other
Contract: Breach of Contract, Installment Contract, Insurance, Specific Performance, Other
Statutes/Rules: Bond Validation, Civil Forfeiture, Declaratory Judgment, Injunction or Restraining Order, Other
Real Property: Adverse Possession, Ejectment, Eminent Domain, Eviction, Judicial Foreclosure, Lien Assertion, Partition, Tax Sale: Confirm/Cancel, Title Boundary or Easement, Other
Torts: Bad Faith, Fraud, Loss of Consortium, Malpractice - Legal, Malpractice - Medical, Mass Tort, Negligence - General, Negligence - Motor Vehicle, Product Liability, Subrogation, Wrongful Death, Other