

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO.: 2014-11269
ERIC SKRMETTA

FILED
2014 NOV 24 P 12:55
DIVISION: CIVIL DISTRICT COURT
F 7

VERSUS

FOREST WRIGHT

FILED: _____
DEPUTY CLERK

**VERIFIED ORIGINAL PETITION FOR TEMPORARY RESTRAINING ORDER,
TEMPORARY AND PERMANENT INJUNCTION**

**TO THE HONORABLE CIVIL DISTRICT COURT FOR THE PARISH OF
ORLEANS AND THE JUDGES THEREOF:**

NOW INTO COURT, through undersigned counsel, comes petitioner, **ERIC
SKRMETTA**. (“Skrmetta”), who respectfully represents:

1.

This Petition is made pursuant to LSA-C.C.P. art. 3601, *et seq.*

2.

Venue is appropriate pursuant to LSA-C.C.P. art. 42.

3.

Made Defendant herein is **FOREST WRIGHT**, a member of the age of majority, and
resident of the State of Louisiana, who is subject to the jurisdiction of this Honorable Court.

4.

This Petition involves deceptive, patently false, constitutionally offensive, and
defamatory political attack advertising by **FOREST WRIGHT** against **ERIC SKRMETTA**,
more particularly, to-wit:

5.

Public Service Commissioner Candidate **FOREST WRIGHT** has been airing attack
advertisements against **PUBLIC SERVICE COMMISSION CHAIRMAN ERIC
SKRMETTA** which state in pertinent part:

“It’s sad to see a man lose his way, like corrupt PSC chairman Eric Skrmetta. He’s in the
pocket of the big utility companies. Taking hundreds of thousands of dollars in return for
doing them favors. The newspaper said Skrmetta’s behavior on the PSC has been
unethical, shady, pay to play, borderline illegal. Now Skrmetta is trying to fool you by lying
about Forest Wright....

(“Forest Wright 60 second radio commercial entitled “Lost Way” (emphasis supplied).

6.

FOREST WRIGHT’S attack ads are replete with deceptive, patently false, constitutionally offensive, and defamatory statements, included that Public Service Chairman Chairman Eric Skrmetta is “corrupt;” Public Service Chairman Eric Skrmetta is “in the pocket of the big utility companies;” and Public Service Chairman Eric Skrmetta is “[t]aking hundreds of thousands of dollars in return for doing them favors.” **FOREST WRIGHT’S** attack ads against **ERIC SKRMETTA** are defamatory *per se*.

7.

Furthermore, **FOREST WRIGHT’S** deceptive, patently false, constitutionally offensive, and defamatory statements do not cite what purported “newspaper” states “Skrmetta’s behavior on the PSC has been unethical, shady, pay to play, borderline illegal.” These statements are likewise defamatory *per se*.

8.

Because **FOREST WRIGHT’S** political attack ads do not provide a cite, appropriate research was performed by **ERIC SKRMETTA** who was unable to find any reference to the offensive attack ads used by **FOREST WRIGHT**, and attributable to “the newspaper”.

9.

As such, **FOREST WRIGHT’S** attack ads are constitutionally offensive and are not afforded protection under either First Amendment of the U.S. Constitution or Article 1, Section 7 of the Louisiana Constitution.

10.

Furthermore, because of the nature of **FOREST WRIGHT’S** deceptive, patently false, constitutionally offensive, and defamatory statements the instant action is not a strategic lawsuit against public participation (SLAPP) and as such **FOREST WRIGHT** cannot avail himself of LSA-C.C.P. art. 971.

11.

FOREST WRIGHT’S attack ads are defamatory *per se* and thus **ERIC SKRMETTA** has an interest in terminating **FOREST WRIGHT’S** deceptive, patently false, constitutionally offensive, and defamatory political attack ads.

12.

FOREST WRIGHT'S deceptive, patently false, constitutionally offensive, and defamatory political attack ads have and are causing immediate, irreparable harm to **ERIC SKRMETTA**; harm that cannot be compensated by monetary damages alone because these political attack ads are airing on at least four New Orleans' area radio stations and to allow them to continue will cause further immediate, irreparable harm to **ERIC SKRMETTA**.

13.

ERIC SKRMETTA thus has standing to bring this action and seek judicial intervention in order to prevent further irreparable harm as the result of **FOREST WRIGHT'S** deceptive, patently false, constitutionally offensive, and defamatory political attack ads.

14.

Since irreparable injury, loss and/or damages have and will directly result as the result of **FOREST WRIGHT'S** deceptive, patently false, constitutionally offensive, and defamatory political attack ads, and to protect **ERIC SKRMETTA'S** interests in a fair election process, a Temporary Restraining Order, and both a Preliminary and Permanent Injunction should be issued herein enjoining **FOREST WRIGHT** from airing or otherwise disseminating the deceptive, patently false, constitutionally offensive, and defamatory political attack ads.

15.

Inasmuch as this involves the prevention of the expenditure of funds (and not the seizure or otherwise deprivation of money) no bond should be required in order for the Temporary Restraining Order, Preliminary and Permanent Injunction to be issued.

WHEREFORE, Petitioner prays that a Temporary Restraining Order be issued herein immediately according to law and without bond, directed to the defendant **FOREST WRIGHT**, restraining, enjoining, and prohibiting him from disseminating or otherwise publishing the deceptive, patently false, constitutionally offensive, and defamatory political attack ads.

Petitioner further prays that the defendant be ordered to show cause on a date and hour to be fixed by this Honorable Court why a Preliminary and Permanent Injunction prayed for herein should not be issued, and for all other general and equitable relief.

FILED

Respectfully submitted,

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ROBERT G. HARVEY, SR. (LSBA No. 18615)
600 N. Carrollton Avenue
New Orleans, LA 70119
Telephone: 504.822.2136
Facsimile: 504.822.2179

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STATE OF LOUISIANA

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FOREST WRIGHT

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DEPUTY CLERK

**VERIFICATION TO
VERIFIED ORIGINAL PETITION FOR TEMPORARY RESTRAINING ORDER,
TEMPORARY AND PERMANENT INJUNCTION**

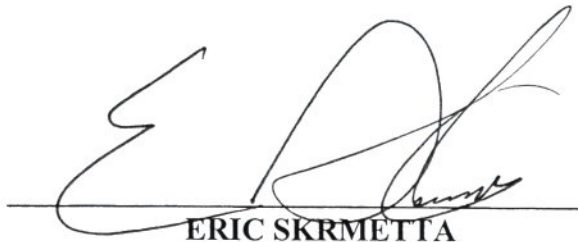
BEFORE ME, THE UNDERSIGNED AUTHORITY,

PERSONALLY CAME AND APPEARED

ERIC SKRMETTA

WHO AFTER BEING SWORN, DID DEPOSE AND STATE:

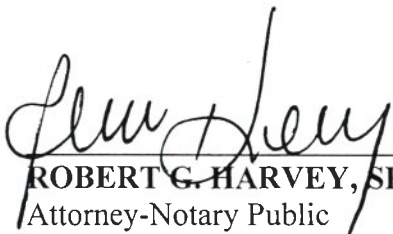
1. He has personal knowledge of the herein stated facts.
2. He is a member of the age of majority and a resident of the State of Louisiana.
3. He is the Petitioner in the above-captioned matter.
4. He has read the foregoing Verified Petition for Temporary Restraining Order, Temporary and Permanent Injunction, finds the allegations asserted therein to be true, accurate and correct to the best of his knowledge, information and belief, and has authorized and instructed his attorneys to file the same on his behalf.



ERIC SKRMETTA

SWORN TO AND SUBSCRIBED BEFORE ME, NOTARY, on this __ day of

November, 2014, at New Orleans, Louisiana.



ROBERT G. HARVEY, SR. (LSBA No. 18615)
Attorney-Notary Public

My Commission is for Life

ROBERT G. HARVEY, SR.
BAR NO. 18615
NOTARY PUBLIC
STATE OF LOUISIANA
TERM IS FOR LIFE

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO.: 14-11269

ERIC SKRMETTA

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DISTRICT COURT

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RESTRAINING ORDER

WHEREFORE, CONSIDERING THE FOREGOING, this Honorable Court,
considered:

1. Petitioner's Verified Petition and the accompanying the Affidavit of Petitioner;
2. Petitioner's sworn representation that the language used in the complained of political advertisements is deceptive, patently false, constitutionally offensive, and defamatory;
3. Petitioner's sworn representation that the complained of advertisements are presently airing on at least four radio stations;
4. Petitioner's sworn representations that the language used in the complained of advertisements is false;
5. Petitioner's sworn representations that the language used is the complained of advertisements is causing him immediate, irreparable harm;
6. Petitioner's sworn representations that the language used in the advertisements is indeed defamatory *per se*; and
7. For the other reasons assigned in Chambers,

IT IS ORDERED, ADJUDGED AND DECREED THAT pursuant to LSA-C.C.P. art. 3604, good cause having been demonstrated that immediate, irreparable harm is occurring to Petitioner, the Court finding that a Temporary Restraining Order is appropriate given the totality of the circumstances as set forth herein, in the record, and additionally given in chambers;

IT IS ORDERED, ADJUDGED AND DECREED THAT this Order is granted without notice or hearing for the reasons assigned in chambers;

IT IS ORDERED, ADJUDGED AND DECREED THAT Defendant, FOREST WRIGHT is hereby restrained, enjoined and prohibited from airing the heretofore-identified

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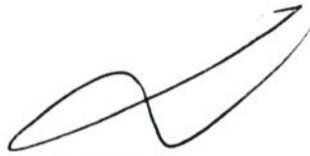
CIVIL DISTRICT COURT

political advertisement or any substantially similar advertisement, including, but not limited to the allegations that Public Service Chairman Eric Skrmetta is "corrupt;" Public Service Chairman Eric Skrmetta is "in the pocket of the big utility companies;" Public Service Chairman Eric Skrmetta is "[t]aking hundreds of thousands of dollars in return for doing them favors;" Public Service Chairman Eric Skrmetta is "unethical"; Public Service Chairman Eric Skrmetta is "shady;" Public Service Chairman Eric Skrmetta engages in "pay to play" and Public Service Chairman Eric Skrmetta acts are "borderline illegal."

Bond shall be set at \$1000.00

New Orleans, Louisiana, this 24 day of November, 2014 at 1:26 p.m.

o'clock a.m./p.m.



JUDGE
JUDGE PAVLA BROWN

A TRUE COPY

[Signature]
DEPUTY CLERK, CIVIL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LA

November 24 2014
Received \$1,000.00 ck # 46124
Robert J. Hursey, Sr. TRD
to be deposited in Registry of Court.
Receipt No. 46575
Cecilia Brown
Clerk

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RULE TO SHOW CAUSE

WHEREFORE, CONSIDERING THE FOREGOING,

**IT IS ORDERED THAT DEFENDANT, FOREST WRIGHT, APPEAR AND
SHOW CAUSE, on the ____ day of _____, 2014, at ____ o'clock
a.m./p.m. why a Temporary and Permanent Injunction should not be granted as prayed.**

New Orleans, this ____ day of November, 2014 at _____ o'clock a.m./p.m.

JUDGE