

IN THE CHANCERY COURT FOR THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI

FILED
MAY 03 2018

JASPER COUNTY, MISSISSIPPI, A POLITICAL
SUBDIVISION OF THE STATE OF MISSISSIPPI,
ESTABLISHED BY THE STATE'S CONSTITUTION,
BY AND THROUGH ITS BOARD OF SUPERVISORS
IN THEIR PERSONAL AND REPRESENTATIVE CAPACITIES, AND
SMITH COUNTY, MISSISSIPPI, A POLITICAL
SUBDIVISION OF THE STATE OF MISSISSIPPI,
ESTABLISHED BY THE STATE'S CONSTITUTION,
BY AND THROUGH ITS BOARD OF SUPERVISORS
IN THEIR PERSONAL AND REPRESENTATIVE CAPACITIES

EDDIE JEAN CARR, CHANCERY CLERK
BY K. Howard D.C.

PETITIONERS

VS.

CASE NO.: G2018-679 1/2

GOVERNOR PHIL BRYANT, IN HIS
CAPACITY AS GOVERNOR OF THE STATE
OF MISSISSIPPI, THE MISSISSIPPI DEPARTMENT
OF TRANSPORTATION, THE MISSISSIPPI
DEPARTMENT OF PUBLIC SAFETY, and
THE MISSISSIPPI EMERGENCY MANAGEMENT AGENCY

RESPONDENTS

**PETITION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY
INJUNCTION, PERMANENT INJUNCTION AND DECLARATORY RELIEF**

COME NOW, individually and in their representative capacities, Jasper County, Mississippi, a Political Subdivision of the State Of Mississippi, established by the State's Constitution, by and through its Board Of Supervisors, in their personal and representative capacities, and Smith County, Mississippi, a Political Subdivision of the State of Mississippi, established by the State's Constitution, by and through its Board Of Supervisors in their personal and representative capacities (hereinafter "Jasper County" and "Smith County" and collectively as "Petitioners"), by and through counsel, to request a Temporary Restraining Order, Preliminary and Permanent Injunction and a Declaratory Judgment against Governor Phil Bryant, in his capacity as Governor of the State of Mississippi ("Governor Bryant" or "the Governor"), the Mississippi Department of Transportation, the Mississippi Department of Public Safety, and the

Mississippi Emergency Management Agency pursuant to Miss Code Ann. §11-45-17. Plaintiffs would show to the Court the following in support of their Petition:

1. The Jasper County Board of Supervisors is a board of supervisors as created by the Mississippi Constitution, Article 6, Section 170 located in Jasper County, Mississippi, and duly elected by the County's qualified electors. The Board members are:

(a) Eddie Helms, District 1 Supervisor, P.O. Box 406, Bay Springs, Mississippi 39422;

(b) Sandy Stephens, District 2 Supervisor, P.O. Box 406, Bay Springs, Mississippi 39422;

(c) Doug Rogers, District 3 Supervisor, P.O. Box 406, Bay Springs, Mississippi 39422;

(d) Johnny B. Rowell, District 4 Supervisor, P.O. Box 406, Bay Springs, Mississippi 39422; and

(e) Curtis Gray, Sr., District 5 Supervisor, P.O. Box 406, Bay Springs, Mississippi 39422.

They appear here in their representative capacities, as currently serving County Supervisors, and also in their individual capacities as voters, electors, and land owners in Jasper County.

2. The Smith County Board of Supervisors is a board of supervisors as created by the Mississippi Constitution, Article 6, Section 170 located in Smith County, Mississippi. They have been duly elected by the qualified electors of Smith County and appear in their representative capacities as sitting supervisors, and also in their individual capacities as voters, electors, and land owners in Smith County. The Board members are:

- (a) Kenny Cain, District 1 Supervisor, P.O. Box 160, Raleigh, Mississippi 39153;
 - (b) Dwight D. Norris, District 2 Supervisor, P.O. Box 160, Raleigh, Mississippi 39153;
 - (c) Benjie Ford, District 3 Supervisor, . P.O. Box 160, Raleigh, Mississippi 39153;
 - (d) Danny Arender, District 4 Supervisor, P.O. Box 160, Raleigh, Mississippi 39153;
- and
- (e) Howard Hammons, District 5 Supervisor, P.O. Box 160, Raleigh, Mississippi 39153.

They appear here in their representative capacities, as currently serving County Supervisors, and also in their individual capacities as voters, electors, and land owners in Smith County.

3. Governor Bryant, Defendant in his official capacity only, is the elected Governor of the State of Mississippi who may be served with process at his offices in the Sillers Office Building, 550 High Street, Jackson, Mississippi 39201 and through the Attorney General of the state of Mississippi, Jim Hood, pursuant to Miss. Code Ann. §11-45-3 and Rule 4 of the M.R.C.P. at his office located at 550 High Street, Suite 1200, Jackson, Mississippi 39201.

4. The Mississippi Department of Transportation is a department of the executive branch of the State of Mississippi which may be served with process through the Attorney General of the state of Mississippi, Jim Hood, pursuant to Miss. Code Ann. §11-45-3 and Rule 4 of the M.R.C.P. at his office located at 550 High Street, Suite 1200, Jackson, Mississippi 39201.

5. The Mississippi Department of Public Safety is a department of the executive branch of the State of Mississippi which may be served with process through the Attorney

General of the state of Mississippi, Jim Hood, pursuant to Miss. Code Ann. §11-45-3 and Rule 4 of the M.R.C.P. at his office located at 550 High Street, Suite 1200, Jackson, Mississippi 39201.

6. The Mississippi Emergency Management Agency is a department of the executive branch of the State of Mississippi which may be served with process through the Attorney General of the state of Mississippi, Jim Hood, pursuant to Miss. Code Ann. §11-45-3 and Rule 4 of the M.R.C.P. at his office located at 550 High Street, Suite 1200, Jackson, Mississippi 39201.

7. This honorable Court has venue and jurisdiction over claims against the State under Miss. Code Ann. § 11-45-1. All claims advanced in this Complaint sound in equity. At present, the Petitioners make no claim against the State, acting by and through its Governor, for monetary damages.

8. On April 10, 2018, Governor Bryant issued a proclamation (the “Proclamation,” a copy of which is attached hereto as Exhibit “A”) declaring a State of Emergency existed for the limited purpose of closing the bridges identified on a closing list which was compiled by the Mississippi Office of State Aid Road Construction (“OSARC”). The Proclamation additionally ordered the Mississippi Department of Transportation, with assistance from the Mississippi Department of Public Safety, to “take all necessary measures to close the bridges on the closing list and provide closing verification to the Federal Highway Administration.” The Mississippi Department of Transportation, with the assistance from the Mississippi Department of Public Safety, without notice to the board of supervisors, used various methods to block access to the bridges on the closing list. Some of the bridges were blocked by dumping piles of dirt on both sides of the bridges. At the time this Complaint is filed, the closure means, methods, and signage do not comport with the State’s Manual on Uniform Traffic Control Devices (“MUTCD”). The

bridges identified in Jasper and Smith Counties, were county roads and subject to the full jurisdiction of the respective board of supervisors, pursuant to MS Const. Art. 6, §170.

9. The Governor's proclamation sets forth that the alleged structurally deficient bridge conditions have created a State of Emergency as defined by Miss. Code Ann. § 33-15-11(b)(17). Cited as part of the Emergency Management Law, it provides that the Governor is authorized and empowered:

“(17) To proclaim a state of emergency in an area affected or likely to be affected thereby when he finds that the conditions described in Section 33-15-5(g) exist, or when he is requested to do so by the mayor of a municipality or by the president of the board of supervisors of a county, or when he finds that a local authority is unable to cope with the emergency. Such proclamation shall be in writing and shall take effect immediately upon its execution by the Governor. As soon thereafter as possible, such proclamation shall be filed with the Secretary of State and be given widespread notice and publicity. The Governor, upon advice of the director, shall review the need for continuing the state of emergency at least every thirty (30) days until the emergency is terminated and shall proclaim a reduction of area or the termination of the state of emergency at the earliest possible date that conditions warrant.”

Miss. Code. Ann. § 33-15-11. Referenced in the afore-mentioned law, a local emergency is defined in Miss. Code. Ann. § 33-15-5(g) as:

“(g) “Local emergency” means the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a county and/or municipality caused by such conditions as air or water pollution, fire, flood, storm, epidemic, earthquake, hurricane, resource shortages or other natural or man-made conditions, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of the political subdivision and require the combined forces of other subdivisions or of the state to combat.”

10. As a part of the Mississippi Code, the Mississippi Legislature further enacted sections of the law to provide its intent and policies behind enacting the Emergency Management Law. Miss. Code Ann. § 33-15-2, titled Legislative intent, findings and declarations provides:

“(1) The Legislature finds and declares that the state is vulnerable to a wide range of emergencies, including natural, technological and man-made disasters, all of which threaten the life, health and safety of its people; damage and destroy property; disrupt services and everyday business and recreational activities; and impede economic growth and development. The Legislature further finds that this vulnerability is exacerbated by the growth in the state's number of persons with special needs. This growth has greatly complicated the state's ability to coordinate its emergency management resources and activities.

(2) It is the intent of the Legislature to reduce the vulnerability of the people and property of this state; to prepare for efficient evacuation and shelter of threatened or affected persons; to provide for the rapid and orderly provision of relief to persons and for the coordination of activities relating to emergency preparedness, response, recovery and mitigation among and between agencies and officials of this state, with similar agencies and officials of other states, with local and federal governments, with interstate organizations and with the private sector.

(3) It is further the intent of the Legislature to promote the state's emergency preparedness, response, recovery and mitigation capabilities through enhanced coordination, long-term planning and adequate funding. State policy for responding to disasters is to support local emergency response efforts. In the case of a major or catastrophic disaster, however, the needs of residents and communities will likely be greater than local resources. In these situations, the state must be capable of providing effective, coordinated and timely support to communities and the public. Therefore, the Legislature determines and declares that the provisions of this article fulfill an important state interest.”

Miss. Code. Ann. § 33-15-2. Furthermore, Miss. Code Ann. 33-15-3, titled Policies and purposes of article provides:

(a) Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, and from natural, man-made or technological disasters, and in order to insure that preparations of this state will be adequate to deal with, reduce vulnerability to, and recover from such disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of this state, it

is hereby found and declared necessary: (1) To create a state emergency management agency, and to authorize the creation of local organizations for emergency management in the municipalities and counties of the state, and to authorize cooperation with the federal government and the governments of other states; (2) to confer upon the Governor, the agency and upon the executive heads or governing bodies of the municipalities and counties of the state the emergency powers provided herein; (3) to provide for the rendering of mutual aid among the municipalities and counties of the state, and with other states, and with the federal government with respect to the carrying out of emergency management functions and responsibilities; (4) to authorize the establishment of such organizations and the development and employment of such measures as are necessary and appropriate to carry out the provisions of this article; and (5) to provide the means to assist in the prevention or mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.

(b) It is further declared to be the purpose of this article and the policy of the state that all emergency management functions of this state be coordinated, to the maximum extent, with the comparable functions of the federal government, including its various departments and agencies, of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster or emergency, or both, that may occur as enumerated in this section.

Miss. Code. Ann. § 33-15-3 (West).

11. The Governor's Proclamation exceeds the power and authority granted to his office in the Emergency Management Law. The alleged conditions of the bridges on the County roads do not constitute a State of Emergency or "state of disaster" so as to suspend the constitutional jurisdiction of the board of supervisors of Jasper County and Smith County over the county roads and bridges. The purpose of the Emergency Management Law was to respond to disasters or emergencies of unprecedented size, not to be implemented to fix infrastructure issues. The Governor's Proclamation states that the conditions of the bridges named in the

OSARC “closure list” were identified as early as March of 2017. Therefore, to frame the condition of the roads as a disaster or emergency is inaccurate.

12. The Proclamation of the Governor declared that a “State of Emergency exists for the limited purpose of closing the bridges identified on the closing list.” This unprecedented declaration of a limited State of Emergency, while creative, is not provided for in the Emergency Management Law. The use of emergency powers in this situation is a violation of the Mississippi Constitution and the long-standing principle of separation of powers, which is codified in Article 1, § 2. The Governor’s role is to faithfully execute the laws of the State of Mississippi. In this case, the Governor has not faithfully executed the law. He has essentially enacted his own law by executive fiat by declaring that county bridges and roads may be shut down by Proclamation under the Emergency Management Law, which was designed to respond to natural disasters and other emergency situations. The Governor has at his disposal, the authority to call the legislature to act in extraordinary sessions, and designate that the legislature decide how to address the issues surrounding the infrastructure in this State, but chose not to act within the parameters of the Constitution and the other laws of this State.

13. The Governor’s sudden proclamation issued on April the 10, 2018, was not motivated by the safety and protections of the traveling public, but motivated by what appears to be money and politics. The Governor expressly stated in his Proclamation that he waited to act until receiving a letter on April 5, 2018, from the United States Department of Transportation, threatening action if the bridges were not closed.

14. Petitioners desire to emphatically state that their claim lies against the Governor’s unlawful act in declaring a state of emergency not contemplated or provided by the Emergency Management Law. The present claim is that the Governor acted unlawfully and *ultra vires* the

express terms of the EML. The Petitioning Counties do not, at present, have or make any claim that the EML is unconstitutional either on its face or as applied. Nor do the Petitioning Counties contend, at present, that the Governor's Proclamation offends due process or similar constitutional guaranties of fair conduct. However, should this honorable Court declare the Governor's proclamation is within the terms of the authorizing legislation, there is a risk that the present seizure of control of the Petitioning Counties' roadways and bridges will be continued indefinitely, yet with no provision for amelioration of the purported "disaster." Petitioners have no desire to see control of their roadways and bridges to be taken from local authority by an endless continuing series of "proclamations" by this Governor and his successors. A conclusion by this honorable Court that the Governor's Proclamation was within the terms stated in the Emergency Management Law will alter the legal landscape undergirding this case.

15. The bridge closures in Jasper and Smith counties present immediate and irreparable danger to the citizens who live in those areas. In some areas affected, all emergency response personnel – fire, police, and ambulance – would have to drive miles out of the way in some circumstances to respond to a fire, an injured or sick individual, or someone in danger. The school bus routes in those areas have been substantially complicated and have caused children and school bus drivers various problems.

16. For these reasons, and for additional reasons to be shown at a hearing on this matter, the Jasper County Board of Supervisors and the Smith County Board of Supervisors are entitled to a temporary restraining order, injunctive relief, and declaratory relief, preventing the further enforcement of the Governor's unlawful Proclamation and any efforts to prevent the counties from reopening the bridges as they see necessary under the circumstances.

**PETITION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY
INJUNCTION AND PERMANENT INJUNCTION**

17. Petitioners herein incorporate and restate by reference all allegations set forth above in paragraphs 1-16.

18. Jasper County and Smith County will suffer immediate and irreparable injury, loss, or damage if the bridges that were closed by the Governor's Proclamation remain closed. The harm presented to the citizens of the counties which are serviced by emergency response personnel and live near and between the closed bridges, greatly outweighs any alleged risk posed by the conditions of the bridges. This Court should grant a Temporary Restraining Order against the Respondents, until this matter can be set down for hearing on Petitioners' Petition for Preliminary Injunction and Permanent Injunction, for a period not to exceed ten days, subject to any future extensions as necessary for good cause shown, as set forth in Rule 65(b) of the Mississippi Rules of Civil Procedure.

19. Jasper County and Smith County are prepared to post reasonable bond in this case pursuant to MRCP 65(c).

20. Additionally, after proper notice and a hearing on the merits of this case, Petitioners request a hearing at which they stand ready to show that a preliminary and permanent injunction should be granted to command the Governor, the Mississippi Department of Public Safety and the Mississippi Department of Transportation to remove the debris from the bridges closed in Jasper and Smith County, Mississippi, and that the Governor, the Mississippi Department of Public Safety and the Mississippi Department of Transportation be prevented from closing any further bridges in those counties by authority of the Governor's Proclamation of April 10, 2018. The threat of a citizen in Jasper and Smith county being harmed by bridge closures is imminent. The Proclamation of the Governor, and the subsequent actions of the

Department of Public Safety and the Department of Transportation were unlawful, unjust, and inequitable. An action at law would be insufficient in this case to redress the closure of the county bridges and an injunction is necessary and equitable.

PETITION FOR DECLARATORY RELIEF

21. Petitioners herein incorporate and restate by reference all allegations set forth above in paragraphs 1-20.

22. Pursuant to Rule 57 of the M.R.C.P., Petitioners bring this action to this honorable Court for a determination that:

a. In making and subsequently enforcing his April 10, 2018 Proclamation, the Governor exceeded the power and authority granted to his office in the Emergency Management Law.

b. The Governor's proclamation is an unlawful violation of the separation of powers as set forth in the Constitution of the State of Mississippi.

c. Pursuant to the Constitution of the State of Mississippi, the County board of supervisors have jurisdiction over the County roads, bridges, and levees which cannot be divested by an act of the executive branch of the state, and that the Governor's Proclamation of April 10, 2018 divested the county board of supervisors of their jurisdiction regarding county roads and bridges.

PETITION FOR ALTERNATIVE RELIEF AND DECLARATORY JUDGMENT UNDER THE DISASTER ASSISTANCE ACT

23. Petitioners herein incorporate and restate by reference all allegations set forth above in paragraphs 1-22.

24. Alternatively, the Petitioning Counties partly concur in the Governor's conclusion that certain county bridges present a significant risk to the traveling public and are, therefore, in a

state of emergency. Unfortunately, the Governor's proclamation says nothing about the need for funds to meet the existing state of emergency. The Governor's proclamation states no reasons why this emergency is, or should be, treated differently than any other "state of disaster" emergency.

25. The EML and the Disaster Assistance Act, Miss. Code Ann. §§ 33-15-301 *et seq.*, are intended to dovetail in providing relief for wide-spread emergencies. Section 33-15-303 states: "It is the intent and declared to be the policy of the state that funds to meet emergencies or major disasters *shall always* be made available when needed." (emphasis supplied)

26. Invoking the provisions of the Disaster Assistance Act is mandatory, but only upon a declaration of emergency by the Governor. Miss. Code Ann. § 33-15-307(1). That section states that any gubernatorial proclamation of an emergency "shall" state three items: "the cause for the declaration *and define the area eligible for assistance and the type of assistance to be provided.*" (emphasis supplied) The Governor's Proclamation has identified the cause for the emergency declaration and stated the sixteen counties in which the emergency exists. The Proclamation says nothing, however, about the type of "assistance to be provided." Petitioners do not regard merely closing bridges as "assistance" within the meaning of the Act. As vehemently noted *supra*, closing bridges creates its own emergency situation for affected citizens whose fire, police, and ambulance services are unable to reach them in a timely fashion.

27. A variety of Code sections governs the use and administration of Disaster Assistance funds. Section 33-15-305(f) provides that a "project" pursuant to an emergency is "the repair or restoration, or both, other than normal maintenance, or the replacement of public real property . . . including . . . county roads, bridges and other public works . . . that are damaged or destroyed by a disaster." The Governor's Proclamation has already determined that a

“disaster” has occurred requiring him to invoke his office’s powers under the Emergency Management Law.

28. The Disaster Assistance Act provides that “[s]ubject to the conditions specified in this section, the [Director of the Mississippi Emergency Management Agency] *shall allocate funds* from the trust fund to meet the cost of any one or more projects [undertaken pursuant to an emergency declaration]. The completion of all or part of a project before application for funds under this article shall not disqualify such project or any part thereof.” Miss. Code Ann. § 33-15-313(1)(emphasis supplied).

29. To be eligible for such funding from the Disaster Assistance Trust Fund, the “governing body of the local agency must declare a local emergency and forward such declaration to the Governor.” Miss. Code Ann. § 33-15-313(2). Under the Act, the “local governing body” are the Petitioners, Boards of Supervisors.

30. The Disaster Assistance Act further requires that Petitioning Counties “shall make application to the [Director of the Emergency Management Agency] for state and/or federal financial assistance within thirty (30) days after the date of the declaration of . . . a state of emergency declared by the Governor; however, the director may extend the time for such filing, but only under unusual circumstances. No financial aid shall be provided until an applicant has filed a Notice of Interest and a Request for Federal Assistance and a state and/or federal team has first investigated and reported upon the proposed work, has estimated the cost of the work, and has filed a project worksheet thereon with the Governor's authorized representative and a project application has been prepared. The estimate of cost of the work may include expenditures made by the state or local agency for such work before the making of such estimate.” Miss. Code Ann. § 33-15-313(3).

31. One further condition is placed by the Act on, here, the Petitioning Counties: “No funds shall be allocated from the trust fund to a . . . local agency until the agency has indicated in writing its acceptance of the project application and the cost-sharing related thereto in such form as the director prescribes. The project application shall provide for the performance of the work by the . . . local agency, shall provide for the methods of handling the funds allocated and the matching funds provided by the local agency, and shall contain such other provisions as are deemed necessary to ensure completion of the work included in the project application and the proper expenditures of funds as provided herein.” Miss. Code Ann. § 33-15-313(4).

32. Petitioners request that this honorable Court declare that the Petitioning Counties are included within the terms of the Disaster Assistance Act as local governing authorities. Petitioners further request that all Parties to this case be mandatorily enjoined to proceed under the terms of the Disaster Assistance Act, Miss. Code Ann. § 33-15-313, to make application for assistance relief from the Trust Fund, and with all deliberate speed engage in the procedure stated in Section 33-15-313 to secure funds for the bridge projects within the Petitioning Counties. Petitioners further request that due to the nature of the relief sought in this Petition and the unusual circumstances presented herein, the Court order the director of the Mississippi Emergency Management Agency extend the time for Jasper and Smith Counties to apply for state and/or federal financial assistance pursuant to Miss. Code Ann. § 33-15-313(3).

WHEREFORE PREMISES CONSIDERED, Jasper County, Mississippi, a Political Subdivision of the State of Mississippi, established by the State’s Constitution, by and through its Board of Supervisors, in their personal and representative capacities, and Smith County, Mississippi, a Political Subdivision of the State of Mississippi, established by the State’s Constitution, by and through its Board of Supervisors in their personal and representative

capacities respectfully request this Court to grant to it all relief prayed for in this Petition, including but not limited to the following:

a. a temporary restraining order against the Respondents to prevent the further enforcement of the Governor's April 10, 2018 Proclamation and requiring the State of Mississippi to remove all barriers from the bridges that were erected to close the bridges pursuant to the Governor's proclamation.;

b. Upon hearing to be conducted in an expedient manner before this Court, that the Petitioner's be awarded a preliminary and permanent injunction against the Respondents to prevent the further enforcement of the Governor's April 10, 2018 Proclamation and an injunction requiring the State of Mississippi to remove all barriers from the bridges that were erected to close the bridges pursuant to the Governor's proclamation.

c. Furthermore, that upon a final hearing of this matter, this honorable Court declare that the Proclamation of the Governor of April 10, 2018, be declared unconstitutional, unlawful, in excess of the powers granted by the Emergency Management Act, and an unconstitutional divestment of the respective county board of supervisors of their constitutional jurisdiction over county roads, bridges, and levees.

d. In the alternative, the Petitioners request this Court to declare that the Petitioning Counties are included within the terms of the Disaster Assistance Act as local governing authorities. Petitioners further request that all Parties to this case be mandatorily enjoined to proceed under the terms of the Disaster Assistance Act, Miss. Code Ann. § 33-15-313, to make application for assistance relief from the Trust Fund, and with all deliberate speed engage in the procedure stated in Section 33-15-313 to secure funds for the bridge projects within the Petitioning Counties. Due to the nature of the relief sought in this Petition and the unusual

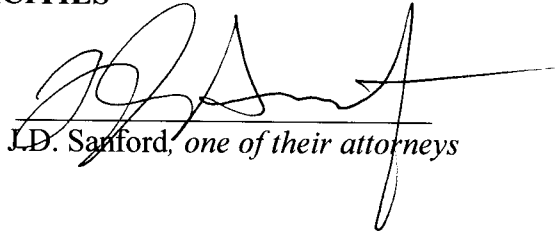
circumstances presented herein, the Court order the director of the Mississippi Emergency Management Agency extend the time for Jasper and Smith Counties to apply for state and/or federal financial assistance pursuant to Miss. Code Ann. § 33-15-313(3).

e. The Jasper County Board of Supervisors and the Smith County Board of Supervisors further pray for any relief to which they might be entitled under law or equity.

RESPECTFULLY SUBMITTED this, the 3rd day of May, 2018.

**JASPER COUNTY, MISSISSIPPI, A POLITICAL SUBDIVISION
OF THE STATE OF MISSISSIPPI, ESTABLISHED BY THE
STATE'S CONSTITUTION, BY AND THROUGH ITS BOARD OF
SUPERVISORS IN THEIR PERSONAL AND REPRESENTATIVE
CAPACITIES, AND
SMITH COUNTY, MISSISSIPPI, A POLITICAL SUBDIVISION OF
THE STATE OF MISSISSIPPI, ESTABLISHED BY THE STATE'S
CONSTITUTION, BY AND THROUGH ITS BOARD OF
SUPERVISORS IN THEIR PERSONAL AND REPRESENTATIVE
CAPACITIES**

BY:


J.D. Sanford, *one of their attorneys*

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Office of the Governor



A Proclamation

WHEREAS, the counties of Amite, Carroll, Clarke, Greene, Hinds, Humphreys, Itawamba, Jasper, Jones, Lauderdale, Leake, Lincoln, Newton, Pike, Smith, Wayne and other parts of the State of Mississippi have been and continue to be affected by structurally deficient bridge conditions that create extreme peril to the safety of persons and property and thus state assistance will be necessary to support local government response efforts; and

WHEREAS, the Mississippi Department of Transportation and the Mississippi Office of State Aid Road Construction developed an Action Plan in March of 2017 to ensure that unsafe bridges were closed in accordance with the National Bridge Inspection Standards; and

WHEREAS, during the week of March 19, 2018, the Federal Highway Administration verified that many unsafe bridges previously identified for closure were not closed by the local authorities; and

WHEREAS, in an April 5, 2018 letter the United States Department of Transportation informed the Governor's Office of the Federal Highway Administration's findings and the potential consequences for the State of Mississippi if these bridges remain open; and

WHEREAS, in consideration of the health and safety of the traveling public within the affected areas, and in the public interest, the bridges that are out of compliance with the National Bridge Inspection Standards and are recommended for closure by the Mississippi Office of State Aid Road Construction's regularly updated closing list (herein after referred to as the "closing list") shall be closed immediately.

NOW, THEREFORE, I, Phil Bryant, Governor of the State of Mississippi, pursuant to the authority vested in me under the Mississippi Constitution, Miss. Code Ann. § 33-15-11(b)(17), all other applicable laws of the state and in the public interest and for the general welfare, do hereby proclaim a State of Emergency exists for the limited purpose of closing the bridges identified on the closing list. The provisions of this proclamation shall exist and remain in effect until such time as this threat to public health and safety shall cease to exist as prescribed in Section 33-15-11(b)(17).

IT IS FURTHER ORDERED that the Mississippi Department of Transportation, with assistance from the Mississippi Department of Public Safety, shall take all necessary measures to close the bridges on the closing list and provide closing verification to the Federal Highway Administration. These bridges shall remain closed until they are in compliance with all federal and state laws, regulations and standards.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, on the 10th day of April in the year of our Lord, two thousand and eighteen, and of the Independence of the United States of America, the two hundred and forty-second.

PHIL BRYANT
GOVERNOR

BY THE GOVERNOR

C. DELBERT HOSEMANN, JR.
SECRETARY OF STATE



COVER SHEET

Civil Case Filing Form

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

Court Identification Docket #

25 1 C14
County # Judicial Court ID
District (CH, CI, CO)
05 03 18
Month Date Year

Case Year

2018

Docket Number

679 1/2
6W
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 HINDS

County - FIRST

Judicial District

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

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

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:
Estate of
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 Jasper County, Mississippi, a Political Subdivision of the State of Mississippi, by and through its Board of Supervisors

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 P.O. Box 406, Bay Springs, MS 39422

Attorney (Name & Address) J.D. Sanford, P.O. Box 3508 Jackson, MS 39207

MS Bar No. 104547

Check (x) if Individual Filing Initial Pleading is NOT an attorney

Signature of Individual Filing:

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

Individual

Bryant Phil
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:
Estate of
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 in his capacity as Governor of the State of Mississippi

Business

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

Appeals

Administrative Agency
County Court
Hardship Petition (Driver License)
Justice Court
MS Dept Employment Security
Worker's Compensation
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
Muniment 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

IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI

FIRST JUDICIAL DISTRICT, CITY OF _____

Docket No. _____
File Yr _____ Chronological No. _____ Clerk's Local ID _____

Docket No. If Filed
Prior to 1/1/94 _____

**PLAINTIFFS IN REFERENCED CAUSE - Page 1 of ___ Plaintiffs Pages
IN ADDITION TO PLAINTIFF SHOWN ON CIVIL CASE FILING FORM COVER SHEET**

Plaintiff #2:

Individual: _____ (_____) _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

___ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

___ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business Smith County Mississippi, a Political Subdivision of the State of Mississippi, by and through its Board of Supervisors
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: 104547 Pro Hac Vice (✓) ___ Not an Attorney(✓) ___

Plaintiff #3:

Individual: _____ (_____) _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

___ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

___ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: _____ Pro Hac Vice (✓) ___ Not an Attorney(✓) ___

Plaintiff #4:

Individual: _____ (_____) _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

___ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

___ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

___ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: _____ Pro Hac Vice (✓) ___ Not an Attorney(✓) ___

IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT, CITY OF _____

Docket No. _____ - _____ Docket No. If Filed
File Yr Chronological No. Clerk's Local ID Prior to 1/1/94 _____

**DEFENDANTS IN REFERENCED CAUSE - Page 1 of _____ Defendants Pages
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET**

Defendant #2:

Individual: _____ (_____) _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
D/B/A _____

Business The Mississippi Department of Transportation
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:
D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #3:

Individual: _____ (_____) _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
D/B/A _____

Business The Mississippi Department of Public Safety
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:
D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #4:

Individual: _____ (_____) _____
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
D/B/A _____

Business The Mississippi Emergency Management Agency
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:
D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____