

**SUPREME COURT  
STATE OF LOUISIANA**

**DOCKET NO. \_\_\_\_\_**

**ELIZABETH W. NAQUIN, PLAINTIFF-RESPONDENT,**

**VERSUS**

**LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, *ET AL*, DEFENDANTS-  
APPLICANTS**

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**A CIVIL PROCEEDING**

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**WRIT OF CERTIORARI  
TO THE LOUISIANA THIRD CIRCUIT COURT OF APPEAL, DOCKET NO.  
CA 06-00904,  
AND THE 15TH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF LAFAYETTE, NO. 2006-2014  
HONORABLE EDWARD D. RUBIN, DISTRICT JUDGE**

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**MOTION FOR EXPEDITED CONSIDERATION OF  
ORIGINAL APPLICATION FOR WRIT OF CERTIORARI ON BEHALF OF THE  
LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, THE CITY OF  
LAFAYETTE, AND LAFAYETTE PUBLIC UTILITIES AUTHORITY, APPLICANTS**

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**Respectfully submitted by,**

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**Attorneys for Applicants**

**MOTION FOR EXPEDITED CONSIDERATION OF  
ORIGINAL APPLICATION FOR WRIT OF CERTIORARI ON BEHALF OF THE  
LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, THE CITY OF  
LAFAYETTE, AND LAFAYETTE PUBLIC UTILITIES AUTHORITY, APPLICANTS**

NOW INTO COURT, through undersigned counsel, comes the LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, THE CITY OF LAFAYETTE, AND LAFAYETTE PUBLIC UTILITIES AUTHORITY, APPLICANTS, who move this Honorable Court to grant expedited consideration of Movants' Original Application for Writ of Certiorari on Behalf of the Lafayette City-Parish Consolidated Government, the City of Lafayette, and Lafayette Public Utilities Authority, Applicants (the "Writ Application") and would respectfully show, as follows:

1.

Concurrently with the filing of this Motion, Movants have filed their Writ Application seeking review of a decision of the Honorable Court of Appeal, Third Circuit.

2.

Movants show that this suit involves a challenge to the issuance of utility revenue bonds in an amount not to exceed \$125,000,000.00 to finance a fiber optics project approved overwhelmingly by the citizens of the City of Lafayette at a bond proposition election held on July 16, 2005.

3.

A challenge under the Bond Validation Statute, La. R.S. 13:5121, *et seq.*, is an expedited proceeding. As stated by the Legislature, the purpose of the Bond Validation Statute is

to provide a uniform, expeditious and equitable procedure with due regard for the public fisc and rights of persons in interest for the judicial determination of the validity of bonds and related proceedings where material and substantial questions with regard thereto are involved or a judicial determination of issues relating to bonds is necessary to insure the marketability of bonds in investment channels.

La. R.S. 13:5122.

4.

The Bond Validation Statute envisions and stipulates an expedited consideration of bond challenges. The reason that the Legislature requires a prompt resolution of bond challenges is to ensure the marketability of bonds which, in turn, facilitates the economic growth of our state – a particularly urgent need in the wake of Hurricanes Katrina and Rita.

5.

As more fully stated in the Writ Application which this Motion accompanies, the importance of the fiber optics project to the citizens of the City of Lafayette – and, indeed, of the State of Louisiana – cannot be overstated. One of the purposes and objectives of the several lawsuits which have been filed to stop this project is

delay. Delay in the issuance of the bonds necessarily means that interest rates will increase, thus increasing the ultimate cost of the project, with resultant higher costs to consumers.

6.

Under the current market conditions, it is widely feared that interest costs will continue to rise. In the instant case, an increase of even .1% in interest rates would result in an increase in interest costs of approximately \$1.7 million over the life of this project.

7.

For these reasons, as well as the reasons stipulated in the Bond Validation Statute, it is respectfully requested that this Honorable Court give expedited consideration to the Movants' Writ Application in order that this Honorable Court, upon such consideration, will determine to grant such Writ Application and set this matter for briefing and oral argument at the earliest possible date.

WHEREFORE, Movants respectfully request that this Honorable Court give expedited consideration to Movants' Writ Application in order that this Honorable Court, upon such consideration, will determine to grant such Writ Application and set this matter for briefing and oral argument at the earliest possible date.

By Attorneys,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing Motion for Expedited Consideration has been served upon the respondent judge and all counsel of record, all of whom are identified, as follows:

1. Honorable Kelly McNeely  
Clerk of Court, Third Circuit  
P. O. Box 16577  
Lake Charles, Louisiana 70616
2. Honorable Edward D. Rubin  
District Judge  
15th Judicial District  
Lafayette Parish Courthouse  
800 South Buchanan Street  
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3. Patrick W. Pendley, Esq.  
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(225) 383-9000  
Attorney for Amicus Curiae, Louisiana Municipal Association

by placing a copy of same in the United States Mail, properly addressed and postage pre-paid, on this \_\_\_\_\_ day of September, 2006.

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MICHAEL D. HEBERT