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Section 13

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. \_\_\_\_\_ DIVISION \_\_\_\_\_ SECTION \_\_\_\_

KATHERINE M. THORSTAD, and  
CIVIL RIGHTS EDUCATION AND ENFORCEMENT CENTER,  
Petitioners,

VERSUS

COLLIN ARNOLD, in his official capacity as the Director of the New Orleans Office of  
Homeland Security and Emergency Preparedness, and the CITY OF NEW ORLEANS,  
dba, the NEW ORLEANS OFFICE OF HOMELAND SECURITY AND EMERGENCY  
PREPAREDNESS,  
Respondents.

FILED: \_\_\_\_\_  
DEPUTY CLERK

**PETITION FOR WRIT OF MANDAMUS**  
**PURSUANT TO THE LOUISIANA PUBLIC RECORD LAW**

NOW INTO COURT, through undersigned counsel, come petitioners Katherine M. Thorstad and Civil Rights Education and Enforcement Center (“CREEC”), who request, pursuant to Article XII, Section 3 of the Louisiana Constitution of 1974, La. R.S. 44:31 *et seq.*, and other applicable law cited herein, that this Court issue a Writ of Mandamus directing the City of New Orleans (“City”) employee Collin Arnold, in his official capacity as records custodian for the New Orleans Department of Homeland Security and Emergency Preparedness (“NOHSEP”) to provide Petitioners with public records in the City’s possession. In addition, Petitioners seek penalties for violation of the State public records law.

In support of this Petition, Petitioners state the following:

### I. INTRODUCTION

1. This is a case brought under Louisiana’s Public Record Law (“PRL”) about the City’s failure to provide public records of certain emergency plans to an organization who properly sought them.
2. NOHSEP develops and maintains emergency plans for the City. *Homeland Security Home*, CITY OF NEW ORLEANS, <https://nola.gov/next/homeland-security/home/> (last visited July 9, 2024) (“NOHSEP serves as New Orleans’ coordinating agency for public safety and emergency management . . . The Emergency Preparedness Branch administers the City’s crisis and consequence management system, including developing and maintaining plans for emergencies and special events.”).
3. Previous emergency plans, such as the City Assisted Evacuation Plan, have been made public by NOHSEP pursuant to public record requests. See Carly Berlin & Halle Parker, *Evacuating New Orleans: New plans account for rapidly intensifying storms, but are they enough?*, NEW ORLEANS PUB. RADIO (June 28, 2022, 7:00 AM), <https://www.wwno.org/coastal-desk/2022-06-28/evacuating-new-orleans-new-plans-account-for-rapidly-intensifying-storms-but-are-they-enough> (linking the 2022 City Assisted Evacuation Plan and related records shared pursuant to WWNO’s public record request).
4. There is great public interest in making the requested records public. Making the City’s emergency plans public contributes to the community’s understanding of New Orleans’s preparedness and allows for better community engagement and collaboration. The disability community, and the public writ large, are unable to adequately plan and prepare for themselves based on their needs, abilities, and resources without information about the City’s plans and services.

### II. PARTIES

5. Petitioner Katherine M. Thorstad is a Staff Attorney with the Civil Rights Education and Enforcement Center. Her work focuses on advocacy at the intersection of disability law and emergency preparedness, planning, and response.

6. Petitioner CREEC is a non-profit law firm dedicated to advocating for people with disabilities. The records are sought to help inform and educate the disability community of New Orleans of the rights and resources available to them in emergencies and to further collaboration and engagement with the disability community and the City.
7. Respondent City operates NOHSEP, which is supervised by the Chief Administrative Officer and distinct from other departments expressly created by the City's Charter, such as the police department. It is a "public body" as defined by the PRL. La. R.S. 44:1(A)(1).
8. Respondent Collin Arnold is the director of NOHSEP. As such, Mr. Arnold is the records custodian for NOHSEP. La. R.S. 44:1(A)(3).

### III. STATEMENT OF FACTS

9. On November 16, 2023, Petitioners mailed a request for emergency preparedness records to NOHSEP via United States Postal Service Registered Mail, attached as Exhibit A. The letter was delivered on November 20, 2023. *See* Exhibit B. Petitioners did not receive timely records in response. La. R.S. § 44:32(D) ("In any case in which a record is requested and a question is raised by the custodian of the record as to whether it is a public record, such custodian shall within five days, exclusive of Saturdays, Sundays, and legal public holidays, of the receipt of the request, in writing for such record, notify in writing the person making such request of his determination and the reasons therefor.").
10. On December 15, 2023, Petitioners mailed the same record request to NOHSEP via United States Postal Service Registered Mail, along with a follow-up letter, attached as Exhibit C. The letter was delivered on December 20, 2023. Exhibit D. Petitioners did not receive timely records in response. La. R.S. § 44:32(D).
11. On January 12, 2024, Petitioners uploaded the record request and follow-up letter to the NextRequest portal, where it was assigned Request Number 24-813. *See* Exhibit E. Petitioners did not receive timely records in response. La. R.S. § 44:32(D).
12. On March 4, 2024, some records were made available by NOHSEP via the NextRequest portal, and the City closed Petitioners' request on the portal. *See* Exhibit E.
13. On March 22, 2024, after numerous attempts to access the records via the portal, as directed, Petitioners emailed Deputy City Attorney Thomas W. Milliner explaining that the file

# M

## Section 13

containing the NOHSEP records seemed to be corrupted and requesting a new link. Exhibit F.

14. On March 28, 2024, Petitioners again emailed Mr. Milliner requesting a new link to the NOHSEP records. Exhibit G.
15. On April 4, Mr. Milliner emailed Petitioners a working link that allowed the provided records to be downloaded. *See id.*
16. The records made available by Respondents did not fully respond to the record request submitted by Petitioners. On information and belief, NOHSEP has several additional plans in draft or final form which it did not provide, including but not limited to: a Comprehensive Emergency Operations Plan, an Emergency Resource Center Plan, an Emergency Sheltering Plan, a Continuity of Operations Plan, and an updated City Assisted Evacuation Plan.
17. On June 25, 2024, Petitioners mailed and e-mailed a letter to Mr. Milliner requesting missing records and providing a copy of their original request. Exhibit H; Exhibit I. Specifically, Petitioners were not provided with and reiterated their request for:

Any emergency operations plans pertaining to Emergency Resource Centers, resource distribution, meal delivery, wellness checks, or comprehensive emergency operations plans.

Any Transition Plan and/or Self-Evaluation created by or on behalf of the City of New Orleans as required by the Americans with Disabilities Act of 1990, 28 C.F.R. § 35.150 et seq, as it relates to emergency preparedness plans for the City of New Orleans.

Any Transition Plan and/or Self-Evaluation created by or on behalf of the City of New Orleans as required by the Rehabilitation Act of 1973, 7 C.F.R. § 15b et seq, as it relates to emergency preparedness plans for the City of New Orleans

Any records relating to any federal funding received by the City of New Orleans, directly or by contract, subcontract, grant or subgrant from the State of Louisiana, to implement pre-disaster hazard mitigation measures, or other activities, as provided for in Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. sec. 5133.

Any records relating to any federal funding received by the City of New Orleans, directly or by contract, subcontract, grant, or subgrant from the State of Louisiana to reduce disaster risks for homeowners, businesses, nonprofit organizations, and communities as provided for in Section 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. sec. 5136.

Any emergency operations plans, whether in draft or final form, pertaining to mass care and/or sheltering and evacuation, including but not limited to: Emergency Resource Centers, City Assisted Evacuation, Shelter in Place, and Emergency Sheltering Plans.

Any agreements or memoranda of understanding between the City of New Orleans and community-based organizations or other non-profit organizations regarding emergency preparedness, planning, or response.

Exhibit H. Petitioners uploaded the same to the NextRequest portal. *See* Exhibit J.

18. On June 28, 2024, Petitioners received a response stating: “The Department of Homeland Security and Emergency Preparedness advises that it has provided all of the documents that it has in response to your request in PRR# 24-813.” Exhibit K.

#### IV. STATEMENT OF LAW

19. Access to public records is a fundamental right guaranteed by the Constitution. *Title Research Corp v. Rausch*, 450 So. 2d 933, 936 (La. 1984) (citing LA. Const. Art. 12 § 3, which must be “construed liberally in favor of free and unrestricted access to the records”). A reason must be cited for denial or withholding of the records. La. R.S. 44:32(D). Access can only be denied “when a law, specifically and unequivocally, provides otherwise.” *Rausch*, 450 So. 2d at 936. “Whenever there is doubt as to whether the public has the right of access to certain records, the doubt must be resolved in favor of the public’s right to see.” *Id.*
20. A writ of mandamus “may be directed to a public officer to compel the performance of a ministerial duty required by law.” La. C.C.P. art. 3863. This writ is appropriate to compel Respondents to abide by their statutory duty to produce the records requested by Petitioners.
21. A lawsuit filed under the PRL “shall be tried by preference in a summary manner.” La. R.S. 44:35(C).
22. The burden of proving “that a public record is not subject to inspection, copying, or reproduction shall rest with the custodian.” La. R.S. 44:31(B)(3).

#### V. CLAIM

23. Respondents have released emergency plans pursuant to public record requests in the past; have no overriding interest in keeping them secret; and have not provided any arguments as to why the records should be denied or withheld.
24. Respondents have an obligation to produce the requested public records. Instead, after repeated re-requests for the public records, Respondents have obfuscated the existence of the City’s emergency operations plans in the middle of Hurricane season.



**VI. RELIEF REQUESTED**

**WHEREFORE**, Petitioners pray that:

1. A writ of mandamus issue directing the Respondents to disclose the records requested or show cause why Respondents should not be ordered to do so, and
2. For an award of attorneys' fees, damages, sanctions, and costs as provided by law, including, specifically, penalties for intentional, unreasonable, and arbitrary denial of a valid public records request pursuant to La. R.S. 44:35(E) and 44:37.

DATED this 17th day of July, 2024.

Respectfully submitted,

/s/ Katherine M. Thorstad  
Katherine M. Thorstad, La. Bar No. 38915  
Cynthia L. Rice, Ca. Bar No. 87630  
Civil Rights Education and Enforcement  
Center  
1245 E. Colfax Ave., Suite 400  
Denver, CO 80218  
Email: [kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org)  
Email: [crice@creeclaw.org](mailto:crice@creeclaw.org)  
Telephone: (303) 532-2471  
Attorneys for Petitioners

Sheriff please serve:

Collin Arnold  
In His Capacity as Director and Records Custodian, Office of Homeland Security and  
Emergency Preparedness  
1300 Perdido Street  
New Orleans, LA 70112

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Section 13

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

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KATHERINE M. THORSTAD, and  
CIVIL RIGHTS EDUCATION AND ENFORCEMENT CENTER,  
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VERSUS

COLLIN ARNOLD, in his official capacity as the Director of the New Orleans Office of  
Homeland Security and Emergency Preparedness, and the CITY OF NEW ORLEANS,  
dba, the NEW ORLEANS OFFICE OF HOMELAND SECURITY AND EMERGENCY  
PREPAREDNESS,  
Respondents.

FILED: \_\_\_\_\_

\_\_\_\_\_  
DEPUTY CLERK

**ORDER**

Considering the foregoing Petition for Writ of Mandamus filed herein by the Petitioners, Katherine M. Thorstad and Civil Rights Education and Enforcement Center (“CREEC”);

**IT IS HEREBY ORDERED** that the Respondents, Collin Arnold, in his official capacity as custodian of record for The Office of Homeland Security and Emergency Preparedness, be served with the foregoing Petition and a copy of this Order, and that an alternative writ of mandamus shall issue herewith, directing and compelling the Respondents to immediately produce the public record requested, or show cause to the contrary.

**IT IS FURTHER ORDERED** that a hearing shall be held on the \_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_ o’clock \_\_\_\_ .m., and the Respondents shall show cause as to:

- Why said records should not be produced as requested, and why the alternative writ of mandamus issued by this Order shall not be made peremptory and permanent;
- Why Respondents should not be taxed with costs and attorney’s fees, as well as penalties for an arbitrary and capricious failure to comply with the law, and all other equitable and just relief as may be permitted by law.

**M**  
Section 13

New Orleans, Louisiana, this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
JUDGE



2024-06513

**M**

Section 13

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CIVIL

DISTRICT COURT

# EXHIBIT “A”

# MCREEC

Section 13

CIVIL RIGHTS EDUCATION  
AND ENFORCEMENT CENTER  
CIVIL  
DISTRICT COURT

2024 JUL 17 P 04:28

November 15, 2023

**VIA Registered Mail**

New Orleans Office of Homeland Security and Emergency Preparedness  
Attn: Public Records Officer  
1300 Perdido Street  
Suite 9W03  
New Orleans, LA 70112

**RE: Request for Public Records pursuant to the Louisiana Public Records Act**

To Whom It May Concern:

We request the opportunity to obtain copies of public records under the Louisiana Public Records Act § 44:1 et seq. Unless otherwise indicated, please provide copies of responsive records currently in effect, in effect, or drafted at any time within the last five (5) years. Please provide copies of the following records:

**Pre-emergency Planning Materials**

1. Any Transition Plan and/or Self-Evaluation created by or on behalf of the City of New Orleans as required by the Americans with Disabilities Act of 1990, 28 C.F.R. § 35.150 et seq, as it relates to emergency preparedness plans for the City of New Orleans;
2. Any Transition Plan and/or Self-Evaluation created by or on behalf of the City of New Orleans as required by the Rehabilitation Act of 1973, 7 C.F.R. § 15b et seq, as it relates to emergency preparedness plans for the City of New Orleans;
3. Any records relating to the participation of persons with disabilities in the planning of emergency preparedness for the City of New Orleans;
4. Any records relating to the training of emergency personnel in addressing the needs of persons with disabilities during an emergency for the City of New Orleans;
5. Any records from public awareness campaigns regarding emergency preparedness for the City of New Orleans that are in accessible format; and
6. Any agreements or memoranda of understanding between the City of New Orleans and community-based organizations or other non-profit organizations with regard to emergency preparedness or planning.

1245 E. Colfax Ave., Suite 400, Denver, CO 80218 | 303-757-7901 | [www.creeclaw.org](http://www.creeclaw.org)  
Katherine M. Thorstad: [kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org)  
PO Box 13260, 3400 S. Carrollton Ave., New Orleans, LA 70118 | 303-532-2471 |

Page 2  
September 15, 2023

Letter to New Orleans Office of Homeland Security and Emergency Preparedness

## Section 19 Communication, Notification, and Evacuation Planning Materials

1. Any records relating to accessible emergency notification systems/plans for persons with disabilities, particularly hearing and visual impairments, for the City of New Orleans;
2. Any records relating to communications with the public, either before or during an emergency, about the availability and location of emergency shelters and resource distribution points in the City of New Orleans, including but not limited to:
  - a. Outreach materials for persons with disabilities prior to an emergency; and
  - b. Communication with persons with disabilities during an emergency;
3. Any records relating to evacuation plans for persons with disabilities for the City of New Orleans; and
4. All records relating to the location of persons with disabilities in the City of New Orleans.

**Resource Distribution Information:** for the purpose of these requests, “resource distribution” means the distribution of water, food, clothing, medical supplies, tarps, or any other resources, where the distribution is arranged, sponsored or co-sponsored, partly or wholly funded, participated in, or coordinated by the City of New Orleans:

1. Any records relating to guidelines, criteria, policies, and/or procedures for selecting resource distribution points;
2. Any records relating to guidelines, criteria, policies, and/or procedures for designation of resource distribution points;
3. Any records identifying partially or fully accessible resource distribution points in the City of New Orleans, including the names, addresses, and descriptions of such points;
4. Any records relating to guidelines, criteria, policies, and/or procedures relating to resource distribution points;
5. Any records relating to the policies and procedures for accommodating persons with disabilities who visit resource distribution points;
6. Any agreements, contracts, or memoranda of understanding between facilities identified as potential resource distribution points in an emergency and the City of New Orleans;
7. Any records relating to the responsibilities of the City of New Orleans with respect to the provision of emergency resources;

**M**  
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 15, 2023

Letter to New Orleans Office of Homeland Security and Emergency Preparedness

Section 13

8. Any records relating to the relationship, coordination, and/or collaboration between the City of New Orleans and Orleans Parish, Louisiana Department of Health, and the Louisiana Division of Emergency Management (LDEM) with respect to resource distribution during an emergency;

9. Any records relating to the identification of individuals or groups of people requiring resource distribution to their homes or to congregate living facilities such as nursing homes or group homes;
10. Any agreements, contracts, or memoranda of understanding between organizations or entities contracted to assist with resource deliveries to homes or to congregate living facilities such as nursing homes or group homes and the City of New Orleans; and
11. Any guidelines, criteria, policies, and/or procedures relating to resource distribution to homes or living facilities.

**Emergency Shelter Information**

1. Any records relating to guidelines, criteria, policies, and/or procedures for selecting emergency shelter sites;
2. Any records relating to guidelines, criteria, policies, and/or procedures for designation of accessible emergency shelter sites;
3. Any records identifying partially or fully accessible emergency shelters in the City of New Orleans, including the names, addresses, and/or descriptions of “special needs” or “medically fragile” emergency shelters in the City of New Orleans;
4. Any records relating to guidelines, criteria, and/or policies relating to emergency shelters;
5. Any records relating to the policies and procedures for accommodating persons with disabilities who are in an emergency shelter, including but not limited to:
  - a. Policies and procedures for general admission to an emergency shelter as well as procedures for admission of people to “special needs” or “medically fragile” emergency shelters in the City of New Orleans;
  - b. Policies and procedures for admission of family members, caregivers, and/or service animals;
  - c. Policies and procedures for the provision of assistance by staff and/or volunteers to persons with disabilities while in the emergency shelter; and
  - d. Policies and procedures for provision of durable medical equipment and/or medications at emergency shelters;

**M**Page 4  
September 15, 2023

Letter to New Orleans Office of Homeland Security and Emergency Preparedness

CIVIL  
DISTRICT COURT**Section 13**

6. Any agreements, contracts, or memoranda of understanding between facilities identified as potential shelter sites in an emergency and the City of New Orleans;
7. Any records relating to the responsibilities of the City of New Orleans with respect to the provision of mass care and shelter during an emergency, including the most recent mass care and shelter plan for the City of New Orleans currently in effect;
8. Any records relating to the relationship, coordination, and/or collaboration between the City of New Orleans and Orleans Parish, Louisiana Department of Health, and/or the Louisiana Division of Emergency Management (LDEM) with respect to the provision of mass care and shelter during an emergency;
9. Any records relating to the relationship between the City of New Orleans and the American Red Cross (national and/or local chapters), including but not limited to:
  - a. Any contracts, agreements or memoranda of understanding between the City of New Orleans and the American Red Cross (national and/or local chapters);
  - b. Any records relating to the training of American Red Cross employees or volunteers with respect to the shelter needs of persons with disabilities; and
  - c. Any records relating to the provision of mass care and shelter to and/or treatment of persons with disabilities by the American Red Cross.

**Documentation of Past Emergencies**

1. Any "After Action Reports" or "Improvement Plans" created in the last ten years by the City of New Orleans regarding any local, state, or federal disasters declared in New Orleans.

**Post-Emergency Services Information**

1. Any records relating to the accessibility of temporary housing established after an emergency for the City of New Orleans; and
2. Any records relating to permanently re-housing, relocating, and/or providing persons with disabilities accessible housing after any local, state, or federal disaster declared in New Orleans.

**Funding Information**

1. Any records relating to any federal funding received by the City of New Orleans, directly or by contract, subcontract, grant or subgrant from the State of Louisiana, to implement pre-disaster hazard mitigation measures, or other activities, as provided for in Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. sec. 5133; and

M  
 Page 5  
 August 15, 2023  
 Letter to New Orleans Office of Homeland Security and Emergency Preparedness  
 Section 13  
 2. Any records relating to any federal funding received by the City of New Orleans, directly or by contract, subcontract, grant, or subgrant from the State of Louisiana to reduce disaster risks for homeowners, businesses, nonprofit organizations, and communities as provided for in Section 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. sec. 5136.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$250.00. However, we would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the community's understanding of New Orleans's disaster and emergency preparedness. The Civil Rights Education and Enforcement Center is a non-profit dedicated to advocating for people with disabilities nationwide. The information we gather is to inform and educate the disability community of their rights and resources available to them. This information is not being sought for commercial purposes.

We prefer to receive the records in an electronic form if possible.

The Louisiana Public Records Act requires that you "immediately present" the requested records unless they are currently in use, in which case this unavailability must be certified and a date of availability, within 5 business days, must be identified in writing to the requestor. If you expect a significant delay in responding to this request, please contact me with information about when we might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If your department or division is not the proper division to handle certain requests, please inform me of the proper division or department.

You may provide the records electronically at [kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org) or deliver them in a flash drive or in hard copy to:

PO Box 13260  
 3400 S. Carrollton Ave.  
 New Orleans, LA 70118-4582

If you have questions or concerns, please contact Katherine Thorstad at [kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org) or (303) 532-2471. Thank you for your attention to this request and assistance with this matter.

Sincerely,

/s/ Katherine M. Thorstad  
 Katherine M. Thorstad, Staff Attorney  
 Civil Rights Education and Enforcement Center



2024-06513

**FILED**

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

Page 6

September 15, 2023

Letter to New Orleans Office of Homeland Security and Emergency Preparedness

Cynthia Rice

Cynthia L. Rice, Legal Director

Civil Rights Education and Enforcement Center

**Section 13**

2024-06513

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Section 13

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2024 JUL 17 P 04:28

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DISTRICT COURT

# EXHIBIT “B”



# Section 13

Remove X

Tracking Number:

## 9510811799043320449887

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was delivered to the front desk, reception area, or mail room at 12:08 pm on November 20, 2023 in NEW ORLEANS, LA 70112. The item was signed for by C HALL.

Get More Out of USPS Tracking:

USPS Tracking Plus®

#### Delivered

**Delivered, Front Desk/Reception/Mail Room**

NEW ORLEANS, LA 70112  
November 20, 2023, 12:08 pm

#### Redelivery Scheduled for Next Business Day

NEW ORLEANS, LA 70112  
November 18, 2023, 11:48 am

#### Arrived at USPS Regional Destination Facility

NEW ORLEANS LA DISTRIBUTION CENTER  
November 18, 2023, 12:15 am

#### Arrived at USPS Facility

DENVER, CO 80249  
November 17, 2023, 12:58 am

#### Departed USPS Regional Facility

DENVER CO DISTRIBUTION CENTER  
November 17, 2023, 12:06 am

#### Arrived at USPS Regional Origin Facility

E-Filed

Feedback

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2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

2024-06513

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DENVER CO DISTRIBUTION CENTER  
November 16, 2023, 8:29 pm

**Section 13**

**Departed Post Office**

WHEAT RIDGE, CO 80033  
November 16, 2023, 6:27 pm

**USPS in possession of item**

WHEAT RIDGE, CO 80033  
November 16, 2023, 3:25 pm

**Hide Tracking History**

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

**Text & Email Updates**



**Proof of Delivery**



Confirmation

Your Proof of Delivery record is complete and will be processed shortly.

Your confirmation will be sent to the following:

kthorstad@creeclaw.org

**USPS Tracking Plus®**



**Product Information**



**See Less**

Track Another Package

Enter tracking or barcode numbers

1/12/24 5:44 PM  
2024-06513

USPS.com® - USPS Tracking® Results

## Need More Help?

Contact USPS Tracking support for further assistance.

**M**  
Section 13

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2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

[FAQs](#)

2024-06513

**M**

Section 13

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2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

# EXHIBIT “C”



# MCREEC

## Section 13

December 15, 2023

CIVIL RIGHTS EDUCATION  
AND ENFORCEMENT CENTER

2024 JUL 17 P 04:28

CIVIL  
DISTRICT COURT

New Orleans Office of Homeland Security and Emergency Preparedness  
Attn: Public Records Officer  
1300 Perdido Street  
Suite 9W03  
New Orleans, LA 70112

RE: Records Request Compliance Pursuant to the Louisiana Public Records Act

To Whom It May Concern:

We are contacting you concerning non-response to our request for public records, pursuant to the Louisiana Public Records Act § 44:1 et seq., delivered on November 20. **We are preparing to move forward with litigation if we do not receive records responsive to our request by January 12, 2024, and will seek costs and attorney's fees.**

The Louisiana Public Records Act requires the production of the requested records; a response setting forth reasons why the requested records are not public records; or an estimation of the time necessary for collection, segregation, redaction, examination, or review of the records request within five (5) business days of receipt of the request. LA R.S. § 44:32(D); 44:35(A). As of today, eighteen (18) business days, exclusive of public holidays, have elapsed without a response.

We re-urge our request for the below public records. Unless otherwise indicated, please provide copies of responsive records currently in effect, in effect, or drafted at any time within the last five (5) years.

For your convenience, we are including a copy of our original request.

As previously indicated, if there are any fees for searching or copying these records, please inform me if the cost will exceed \$250.00. However, we request a waiver of all fees because the disclosure of the requested information is in the public interest and will contribute significantly to the community's understanding of New Orleans's disaster and emergency preparedness. The Civil Rights Education and Enforcement Center is a non-profit dedicated to advocating for people with disabilities nationwide. The information we gather is to inform and educate the disability community of their rights and resources available to them. This information is not being sought for commercial purposes.

We prefer to receive the records in electronic form if possible.

You may provide the records electronically at [kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org) or deliver them in a flash

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1245 E. Colfax Ave., Suite 400, Denver, CO 80218 | 303-757-7901 | [www.creeclaw.org](http://www.creeclaw.org)  
Katherine M. Thorstad: [kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org)  
PO Box 13260, 3400 S. Carrollton Ave., New Orleans, LA 70118 | 303-532-2471 |

2024-06513

**M**

Page 2  
September 15, 2023  
Letter to New Orleans Office of Homeland Security and Emergency Preparedness  
arrive or in hard copy to:

## Section 13

PO Box 13260  
3400 S. Carrollton Ave.  
New Orleans, LA 70118-4582

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2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

If you have questions or concerns, please contact Katherine Thorstad at [kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org) or (303) 532-2471. Thank you for your attention to this request and assistance with this matter.

Sincerely,

/s/ Katherine M. Thorstad

Katherine M. Thorstad, Staff Attorney  
Civil Rights Education and Enforcement Center

/s/ Cynthia Rice

Cynthia L. Rice, Legal Director  
Civil Rights Education and Enforcement Center

2024-06513

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Section 13

**FILED**

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

# EXHIBIT “D”



# Section 13

Remove X

Tracking Number:

## 9505515422663349354168

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Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

Your item was delivered to the front desk, reception area, or mail room at 10:07 am on December 20, 2023 in NEW ORLEANS, LA 70112.

Get More Out of USPS Tracking:

USPS Tracking Plus®

#### Delivered

Delivered, Front Desk/Reception/Mail Room

NEW ORLEANS, LA 70112  
December 20, 2023, 10:07 am

#### Out for Delivery

NEW ORLEANS, LA 70112  
December 20, 2023, 7:00 am

#### Arrived at Post Office

NEW ORLEANS, LA 70113  
December 20, 2023, 6:49 am

#### Arrived at USPS Regional Facility

NEW ORLEANS LA DISTRIBUTION CENTER  
December 19, 2023, 3:47 pm

#### Arrived at USPS Regional Facility

COPPELL TX DISTRIBUTION CENTER  
December 18, 2023, 1:01 pm

E-Filed USPS in possession of item

Feedback

**FILED**

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

2024-06513

ARABI, LA 70032

December 15, 2023, 2:36 pm



Section 13

Hide Tracking History

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

**Text & Email Updates**



**USPS Tracking Plus®**



**Product Information**



**See Less** ^

Track Another Package

Enter tracking or barcode numbers

## Need More Help?

Contact USPS Tracking support for further assistance.

**FAQs**

2024-06513

**M**

Section 13

**FILED**

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

# EXHIBIT “E”



3/4/24, 3:08 PM  
2024-06513  
Skip to main content

Public Record Requests

**M**  
City of New Orleans  
**Section 13**

Request Visibility: Unpublished



**Request 24-813**  Closed



2 of 2 with filters active

### Dates

Due

January 23, 2024

Received

January 12, 2024 via web

### Requester

Katherine M. Thorstad

kthorstad@creeclaw.org

PO Box 13260 3400 S. Carrollton Ave. , New Orleans, LA, 70118-4582

(303) 532-2471

Civil Rights Education & Enforcement Center

### Request

The below is not an original records request. The original records request was delivered via USPS Registered Mail on November 20, 2023. A follow up letter re-urging this records request and including copies of the original request was delivered on December 20, 2023. We expect the City of New Orleans to comply with the original request per requisite timeline provided by the Public Records Law, La. R.S. 44:1 et seq.

--

We request the opportunity to obtain copies of public records under the Louisiana Public Records Act § 44:1 et seq. Unless otherwise indicated, please provide copies of responsive records currently in effect, in effect, or drafted at any time within th...

Show more

### Invoices

Due - \$25.00



### Staff assigned

Departments

Homeland Security & Emergency Preparedness

Point of contact

Law Admin 04

### Timeline

### Documents

**Request closed**

Public

Please be advised that records responsive to your request have been compiled and are available for purchase. Please see the provided invoice for details on how to remit payment.

On behalf of the custodial department(s), our office has responded to your request and considers it closed.

Law Department

### E-Filed

2024-06513

**FILED**

**M**

2024 JUL 17 P 04:28

Section 13

City of New Orleans

1300 Perdido St., Ste. 5E03

New Orleans, LA 70112

504-658-9800

CIVIL

DISTRICT COURT

March 4, 2024, 2:58pm by Staff

**\$ Invoice sent - \$25.00** 

Requester + Staff

Your invoice is ready. Please log in to the [New Orleans Public Record Request Portal](#) to make an online payment by credit or debit card. To make an online payment:

1. Navigate to your request page (you may click the link below);
2. Ensure you are signed in to your NextRequest account;
3. Click on the "\$" icon near the top of the request page to enter your card information and make payment;
4. Please note that the records will not be immediately released for your viewing/downloading, you will receive an email when the records have been released to the request page;
5. Once the files have been released, you will be able to view or download the files; please note that YOU MUST BE LOGGED IN TO YOUR ACCOUNT IN ORDER TO VIEW OR DOWNLOAD THE FILES.

Alternatively, you can make a check or money order payable to *City of New Orleans* and mail your payment (please reference your request number) to the Law Department (1300 Perdido St, Ste. 5E03, New Orleans, LA 70112). Records will be released to your request page when payment has been received.

March 4, 2024, 2:58pm by Staff

** Message to requester** 

Requester + Staff

Good morning:

You have conflated multiple public record requests into a single NextRequest filing. Each public record request should be

2024-06513

# M

## Section 13

**FILED**

confined to a single subject matter. Please  
refile these requests as 35 separate  
NextRequest filings.

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

Law Department

City of New Orleans

1300 Perdido St., Ste. E503

New Orleans, LA 70112

(504) 658-9800

January 16, 2024, 7:59am by Staff



### Department assignment

Public

Homeland Security & Emergency Preparedness

January 12, 2024, 5:56pm by Katherine M. Thorstad



### Request opened

Public

Request received via web

January 12, 2024, 5:56pm by Katherine M. Thorstad

[FAQS](#) [Help](#) [Privacy](#) [Terms](#)



2024-06513

**M**

Section 13

**FILED**

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

# EXHIBIT “F”

2024-06513

FILED

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

**M**  
Section 19

From:  
To:  
Subject:  
Date:

[Kate Thorstad](#)  
[Alicia Laurel](#)  
FW: Records Custodian  
Thursday, March 28, 2024 10:07:00 AM  
[image001.png](#)

---

Katherine (Kate) M. Thorstad  
(she/ella)  
Staff Attorney  
Civil Rights Education and Enforcement Center (CREEC)  
(303) 532-2471  
[kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org)  
[www.creeclaw.org](http://www.creeclaw.org)

---

**From:** Kate Thorstad  
**Sent:** Friday, March 22, 2024 3:41 PM  
**To:** Thomas.Milliner@nola.gov  
**Cc:** Cynthia Rice <[crice@creeclaw.org](mailto:crice@creeclaw.org)>; Alicia Laurel <[alaurel@creeclaw.org](mailto:alaurel@creeclaw.org)>  
**Subject:** RE: Records Custodian

Hi Thomas,

We received 2 zip files through the City's portal. However, one of them is corrupt (#24-813 AFN and Evacuations). Would you assist us with re-uploading the file?

Thanks for your assistance,

Katherine (Kate) M. Thorstad  
(she/ella)  
Staff Attorney  
Civil Rights Education and Enforcement Center (CREEC)  
(303) 532-2471  
[kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org)  
[www.creeclaw.org](http://www.creeclaw.org)

---

**From:** Kate Thorstad  
**Sent:** Friday, January 19, 2024 3:49 PM  
**To:** [Thomas.Milliner@nola.gov](mailto:Thomas.Milliner@nola.gov)  
**Cc:** Cynthia Rice <[crice@creeclaw.org](mailto:crice@creeclaw.org)>; Alicia Laurel <[alaurel@creeclaw.org](mailto:alaurel@creeclaw.org)>; [Cmarnold@nola.gov](mailto:Cmarnold@nola.gov)  
**Subject:** RE: Records Custodian

Thank you very much for your acknowledgment of and assistance with these requests.

Please provide an estimate of the time reasonably necessary to collect and review documents per

E-Filed

2024-06513

**M**

Section 13

**FILED**

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

# EXHIBIT “G”



**M**  
Section 13

**From:** [Kate Thorstad](#)  
**To:** "Thomas W. Milliner"; [Alicia Laurel](#)  
**CC:** [Cynthia Rice](#)  
**Subject:** RE: Records Request, corrupt file  
**Date:** Thursday, April 4, 2024 11:53:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

The link works! Thank you, Thomas.

Katherine (Kate) M. Thorstad  
(she/ella)  
Staff Attorney  
Civil Rights Education and Enforcement Center (CREEC)  
(303) 532-2471  
[kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org)  
[www.creeclaw.org](http://www.creeclaw.org)

---

**From:** Thomas W. Milliner <[Thomas.Milliner@nola.gov](mailto:Thomas.Milliner@nola.gov)>  
**Sent:** Thursday, April 4, 2024 11:10 AM  
**To:** Kate Thorstad <[kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org)>; Alicia Laurel <[alaurel@creeclaw.org](mailto:alaurel@creeclaw.org)>  
**Cc:** Cynthia Rice <[crice@creeclaw.org](mailto:crice@creeclaw.org)>  
**Subject:** RE: Records Request, corrupt file

Good morning:

Try this link:  [#24-813 AFN and Evacuations Request](#)

Thank you,  
**Thomas W. Milliner**  
**Deputy City Attorney**  
City of New Orleans | Law Department | In-House Division  
1300 Perdido Street, Room 5E03 | New Orleans, LA 70112  
O: 504.658.9800 | F: 504.658.9868  
[thomas.milliner@nola.gov](mailto:thomas.milliner@nola.gov)

---

**From:** Kate Thorstad <[kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org)>  
**Sent:** Tuesday, April 02, 2024 10:18 AM  
**To:** Thomas W. Milliner <[Thomas.Milliner@nola.gov](mailto:Thomas.Milliner@nola.gov)>; Alicia Laurel <[alaurel@creeclaw.org](mailto:alaurel@creeclaw.org)>  
**Cc:** Cynthia Rice <[crice@creeclaw.org](mailto:crice@creeclaw.org)>  
**Subject:** RE: Records Request, corrupt file

**EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.**

**M** Thank you for your assistance, Thomas. I'll keep an eye out for the zip file today.

Sincerely,  
**Section 13**

Katherine (Kate) M. Thorstad  
(she/ella)  
Staff Attorney  
Civil Rights Education and Enforcement Center (CREEC)  
(303) 532-2471  
[kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org)  
[www.creeclaw.org](http://www.creeclaw.org)

---

**From:** Thomas W. Milliner <[Thomas.Milliner@nola.gov](mailto:Thomas.Milliner@nola.gov)>  
**Sent:** Thursday, March 28, 2024 3:29 PM  
**To:** Alicia Laurel <[alaurel@creeclaw.org](mailto:alaurel@creeclaw.org)>  
**Cc:** Kate Thorstad <[kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org)>  
**Subject:** RE: Records Request, corrupt file

Good afternoon:

I will take care of this on Monday. The files are extremely extensive and must once again be downloaded from a file sharing site.

Thank you,

**Thomas W. Milliner**  
**Deputy City Attorney**  
City of New Orleans | Law Department | In-House Division  
1300 Perdido Street, Room 5E03 | New Orleans, LA 70112  
O: 504.658.9800 | F: 504.658.9868  
[thomas.milliner@nola.gov](mailto:thomas.milliner@nola.gov)

---

**From:** Alicia Laurel <[alaurel@creeclaw.org](mailto:alaurel@creeclaw.org)>  
**Sent:** Thursday, March 28, 2024 10:35 AM  
**To:** Thomas W. Milliner <[Thomas.Milliner@nola.gov](mailto:Thomas.Milliner@nola.gov)>  
**Cc:** Kate Thorstad <[kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org)>  
**Subject:** Records Request, corrupt file

**EMAIL FROM EXTERNAL SENDER: DO NOT click links, or open attachments, if sender is unknown, or the message seems suspicious in any way. DO NOT provide your user ID or password. If you believe that this is a phishing attempt, use the reporting tool in your Outlook to send this message to Security.**

Hello Thomas,

I am following up on the voicemail I left earlier regarding the 2 zip files through the City's portal. The corrupt file is (#24-813 AFN and Evacuations). Would you kindly

2024-06513

**M** assist us with re-uploading the file?

**Section 13** Thank for your assistance,

**Alicia Laurel**  
PARALEGAL  
CREEC  
1245 E. Colfax Avenue, Suite 400  
Denver CO 80218  
[alaurel@creeclaw.org](mailto:alaurel@creeclaw.org)

---

**CREEC** | CIVIL RIGHTS EDUCATION  
AND ENFORCEMENT CENTER

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**FILED**

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

2024-06513

**M**

Section 13

**FILED**

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

# EXHIBIT “H”



May 25, 2024

SENT VIA EMAIL AND USPS

Attn: Thomas W. Milliner, Deputy City Attorney  
1300 Perdido Street  
Room 5E03  
New Orleans, LA 70112  
Email: [thomas.milliner@nola.gov](mailto:thomas.milliner@nola.gov)

RE: Records Request Compliance Pursuant to the Louisiana Public Records Law

To Whom It May Concern:

We are contacting you concerning missing records responsive to our request for public records, pursuant to the Louisiana Public Records Act § 44:1 et seq., first delivered on November 20, 2023. In March of 2024, we received incomplete records via NextRequest (Requests 24-813 and 24-814). **We are preparing to move forward with litigation if we do not receive the missing records within five (5) business days of receipt of this request, and will seek costs and attorney's fees.**

The Louisiana Public Records Law requires the production of the requested records; a response setting forth reasons why the requested records are not public records; or an estimation of the time necessary for collection, segregation, redaction, examination, or review of the records request within five (5) business days of receipt of the request. LA R.S. § 44:32(D); 44:35(A). We note that the City of New Orleans has, in the past, turned over previous iterations of many of the below requested records after public records requests and/or litigation under the Public Records Law.

We re-urge our request for the public records listed below. For your convenience, we have also included copies of our original and follow-up requests from 2023, along with our email correspondence.

**We note with particular concern that we did not receive the below:**

1. Any emergency operations plans pertaining to Emergency Resource Centers, resource distribution, meal delivery, wellness checks, or comprehensive emergency operations plans.

1245 E. Colfax Ave., Ste 400, Denver, CO 80218 | 303-757-7901 | [www.disabilitylawunited.org](http://www.disabilitylawunited.org)

Katherine (Kate) M. Thorstad | [kthorstad@disabilitylawunited.org](mailto:kthorstad@disabilitylawunited.org) | 303-532-2471

PO Box 13260, 3400 S. Carrollton Ave., New Orleans, LA 70118

*Eliminating Discrimination at Every Intersection*



# M

## Section 13

2. Any Transition Plan and/or Self-Evaluation created by or on behalf of the City of New Orleans as required by the Americans with Disabilities Act of 1990, 28 C.F.R. § 35.150 et seq, as it relates to emergency preparedness plans for the City of New Orleans.

3. Any Transition Plan and/or Self-Evaluation created by or on behalf of the City of New Orleans as required by the Rehabilitation Act of 1973, 7 C.F.R. § 15b et seq, as it relates to emergency preparedness plans for the City of New Orleans
4. Any records relating to any federal funding received by the City of New Orleans, directly or by contract, subcontract, grant or subgrant from the State of Louisiana, to implement pre-disaster hazard mitigation measures, or other activities, as provided for in Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. sec. 5133.
5. Any records relating to any federal funding received by the City of New Orleans, directly or by contract, subcontract, grant, or subgrant from the State of Louisiana to reduce disaster risks for homeowners, businesses, nonprofit organizations, and communities as provided for in Section 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. sec. 5136.

**Additionally, we did not receive any of the below dated after 2021:**

1. Any emergency operations plans, whether in draft or final form, pertaining to mass care and/or sheltering and evacuation, including but not limited to: Emergency Resource Centers, City Assisted Evacuation, Shelter in Place, and Emergency Sheltering Plans.
2. Any agreements or memoranda of understanding between the City of New Orleans and community-based organizations or other non-profit organizations regarding emergency preparedness, planning, or response.

**It is our belief that we received incomplete records regarding the below:**

1. Any records relating to communications with the public, either before or during an emergency, about the availability and location of emergency shelters and resource distribution points in the City of New Orleans, including but not limited to:
  - a. Outreach materials for persons with disabilities prior to an emergency; and
  - b. Communication with persons with disabilities during an emergency.
2. Any records relating to evacuation plans for persons with disabilities for the City of New Orleans.

**M**  
**Section 13**

3. Any records relating to guidelines, criteria, policies, and/or procedures for selecting resource distribution points.
4. Any records relating to guidelines, criteria, policies, and/or procedures for designation of resource distribution points.
5. Any records identifying partially or fully accessible resource distribution points in the City of New Orleans, including the names, addresses, and descriptions of such points.
6. Any agreements, contracts, or memoranda of understanding between facilities identified as potential resource distribution points in an emergency and the City of New Orleans.
7. Any records relating to the responsibilities of the City of New Orleans with respect to the provision of emergency resources.
8. Any records relating to the relationship, coordination, and/or collaboration between the City of New Orleans and Orleans Parish, Louisiana Department of Health, and/or the Louisiana Division of Emergency Management (LDEM) with respect to resource distribution during an emergency.
9. Any records relating to the identification of individuals or groups of people requiring resource distribution to their homes or to congregate living facilities such as nursing homes or group homes.
10. Any agreements, contracts, or memoranda of understanding between organizations or entities contracted to assist with resource deliveries to homes or to congregate living facilities such as nursing homes or group homes and the City of New Orleans.
11. Any guidelines, criteria, policies, and/or procedures relating to resource distribution to homes or living facilities.
12. Any records relating to guidelines, criteria, policies, and/or procedures for designation of accessible emergency shelter sites.
13. Any records identifying partially or fully accessible emergency shelters in the City of New Orleans, including the names, addresses, and/or descriptions of "special needs" or "medically fragile" emergency shelters in the City of New Orleans.

You may provide the records to [kthorstad@disabilitylawunited.org](mailto:kthorstad@disabilitylawunited.org) or through another electronic means.

If you have questions or concerns, please contact Katherine Thorstad at [kthorstad@disabilitylawunited.org](mailto:kthorstad@disabilitylawunited.org) or (303) 532-2471. Thank you for your attention to this request and assistance with this matter.



2024-06513

FILED

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

**M** Sincerely,

**Section 13**

/s/ Katherine M. Thorstad

Katherine M. Thorstad, Staff Attorney

Disability Law United (Formerly Civil Rights Education and Enforcement Center)

/s/ Cynthia L. Rice

Cynthia L. Rice, Legal Director

Disability Law United (Formerly Civil Rights Education and Enforcement Center)

2024-06513

**M**

Section 13

**FILED**

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

# EXHIBIT “I”

2024-06513

FILED

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

**M**  
Section 13

From:

To:

Cc:

Subject:

Date:

Attachments:

[Kate Thorstad](#)

["Thomas W. Milliner"](#)

[Cynthia Rice; Alicia Laurel](#)

Public Records Law Noncompliance

Monday, June 24, 2024 6:09:00 PM

[image001.png](#)

[image002.png](#)

[Email Correspondence.pdf](#)

[Previous Requests Requests and Correspondence.pdf](#)

[6.25.24 Letter re Public Records Law Noncompliance.pdf](#)

[6.25.24 Letter re Public Records Law Noncompliance.pdf](#)

Importance:

High

Mr. Milliner,

Please find attached a letter requesting public records that have yet to be provided by the City. I've attached our previous correspondence and records requests for your convenience. This follow up letter has also been uploaded to the NextRequest portal.

Sincerely,

**Katherine (Kate) M. Thorstad**

(she/ella)

Staff Attorney

303-532-2471

[www.disabilitylawunited.org](http://www.disabilitylawunited.org)

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**Disability  
Law United**

Eliminating Discrimination  
At Every Intersection

\*We changed our name! We were formerly:

**CREEC**

CIVIL RIGHTS EDUCATION  
AND ENFORCEMENT CENTER

*This email may contain confidential attorney-client privileged or work product information. If you received this email in error, please notify me at [kthorstad@creeclaw.org](mailto:kthorstad@creeclaw.org) and discard the email. Thank you.*

2024-06513

**M**

Section 13

**FILED**

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

# EXHIBIT “J”

7/16/24 4:34 PM  
2024-06513  
Skip to main content

Public Record Requests

**M**  
City of New Orleans  
**Section 13**

Request Visibility: Unpublished



# Request 24-10589 Closed



1 of 3 with filters active

## Dates

Due

July 2, 2024

Received

June 24, 2024 via web

## Requester

Katherine M. Thorstad

kthorstad@creeclaw.org

PO Box 13260 3400 S. Carrollton Ave. , New Orleans, LA, 70118-4582

(303) 532-2471

Civil Rights Education & Enforcement Center

## Invoices

No invoices due

## Staff assigned

Departments

Homeland Security & Emergency Preparedness

Point of contact

Law Admin 04

## Request

ADDITIONALLY SENT VIA EMAIL AND USPS

Attn: Thomas W. Milliner, Deputy City Attorney

1300 Perdido Street

Room 5E03

New Orleans, LA 70112

Email: thomas.milliner@nola.gov

We are contacting you concerning missing records responsive to our request for public records, pursuant to the Louisiana Public Records Act § 44:1 et seq., first delivered on November 20, 2023. In March of 2024, we received incomplete records via NextRequest (Requests 24-813 and 24-814). **We are preparing to move forward with litigation if we do not receive the missing records within five (5) business days of receipt of this request, and will seek costs and attorney's fees.**

The Louisiana Public Records Law requires the production of the requested records; a response setting forth reasons why the requested records are not public records; or an estimation of the time necessary for collection, segregation, redaction, examination, or review of the records request within five (5) business days of receipt of the request. LA R.S. § 44:32(D); 44:35(A). We note that the City of New Orleans has, in the past, turned over previous iterations of many of the below requested records after public records requests and/or litigation under the Public Records Law.

We re-urge our request for the public records listed below. For your convenience, we have also included copies of our original

2024-06513

**FILED**

**M**

2024 JUL 17 P 04:28

Section 13

CIVIL

DISTRICT COURT

and follow-up requests from 2023, along with our email correspondence.

**We note with particular concern that we did not receive the below:**

1. Any emergency operations plans pertaining to Emergency Resource Centers, resource distribution, meal delivery, wellness checks, or comprehensive emergency operations plans.
  
2. Any Transition Plan and/or Self-Evaluation created by or on behalf of the City of New Orleans as required by the Americans with Disabilities Act of 1990, 28 C.F.R. § 35.150 et seq, as it relates to emergency preparedness plans for the City of New Orleans.
  
3. Any Transition Plan and/or Self-Evaluation created by or on behalf of the City of New Orleans as required by the Rehabilitation Act of 1973, 7 C.F.R. § 15b et seq, as it relates to emergency preparedness plans for the City of New Orleans
  
4. Any records relating to any federal funding received by the City of New Orleans, directly or by contract, subcontract, grant or subgrant from the State of Louisiana, to implement pre-disaster hazard mitigation measures, or other activities, as provided for in Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. sec. 5133.
  
5. Any records relating to any federal funding received by the City of New Orleans, directly or by contract, subcontract, grant, or subgrant from the State of Louisiana to reduce disaster risks for homeowners, businesses, nonprofit organizations, and communities as provided for in Section 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. sec. 5136.

**Additionally, we did not receive any of the below dated after 2021:**

2024-06513

# M

## Section 13

**FILED**

2024 JUL 17 P 04:28

CIVIL

DISTRICT COURT

1. Any emergency operations plans, whether in draft or final form, pertaining to mass care and/or evacuation, including but not limited to: Emergency Resource Centers, City Assisted Evacuation, Shelter in Place, and Emergency Sheltering Plans.

2. Any agreements or memoranda of understanding between the City of New Orleans and community-based organizations or other non-profit organizations regarding emergency preparedness, planning, or response.

**It is our belief that we received incomplete records regarding the below:**

1. Any records relating to communications with the public, either before or during an emergency, about the availability and location of emergency shelters and resource distribution points in the City of New Orleans, including but not limited to:

- a. Outreach materials for persons with disabilities prior to an emergency; and
- b. Communication with persons with disabilities during an emergency.

2. Any records relating to evacuation plans for persons with disabilities for the City of New Orleans.

3. Any records relating to guidelines, criteria, policies, and/or procedures for selecting resource distribution points.

4. Any records relating to guidelines, criteria, policies, and/or procedures for designation of resource distribution points.

5. Any records identifying partially or fully accessible resource distribution points in the City of New Orleans, including the names, addresses, and descriptions of such points.

6. Any agreements, contracts, or memoranda of understanding between facilities identified as potential



2024-06513

**FILED**

# M

2024 JUL 17 P 04:28

## Section 13

CIVIL

DISTRICT COURT

resource distribution points in an emergency and the City of New Orleans.

7. Any records relating to the responsibilities of the City of New Orleans with respect to the provision of emergency resources.

8. Any records relating to the relationship, coordination, and/or collaboration between the City of New Orleans and Orleans Parish, Louisiana Department of Health, and/or the Louisiana Division of Emergency Management (LDEM) with respect to resource distribution during an emergency.

9. Any records relating to the identification of individuals or groups of people requiring resource distribution to their homes or to congregate living facilities such as nursing homes or group homes.

10. Any agreements, contracts, or memoranda of understanding between organizations or entities contracted to assist with resource deliveries to homes or to congregate living facilities such as nursing homes or group homes and the City of New Orleans.

11. Any guidelines, criteria, policies, and/or procedures relating to resource distribution to homes or living facilities.

12. Any records relating to guidelines, criteria, policies, and/or procedures for designation of accessible emergency shelter sites.

13. Any records identifying partially or fully accessible emergency shelters in the City of New Orleans, including the names, addresses, and/or descriptions of "special needs" or "medically fragile" emergency shelters in the City of New Orleans.

Show less

### Timeline

### Documents

Request closed 

Public

Ms. Thorstad:

2024-06513

2024 JUL 17 P 04:28

# M

## Section 13

The Department of Homeland Security Emergency Preparedness advises that it has provided all of the documents that it has in response to your request in PRR# 24-813 and PRR#24-814.

CIVIL DISTRICT COURT

On behalf of the custodial department(s), our office has responded to your request and considers it closed.

Law Department

City of New Orleans

1300 Perdido St., Ste. 5E03

New Orleans, LA 70112

504-658-9800

June 28, 2024, 12:29pm by Staff



### Department assignment

Public

Added: Homeland Security & Emergency Preparedness. Removed: City Attorney.

June 25, 2024, 9:29am by Staff



### Message to requester

Requester + Staff

Thank you, the City of New Orleans Law Department has received your Public Records Law request.

Your request has been forwarded to the City department or office which is the custodian of the records you requested. The custodian will determine whether responsive records exist, and if so, compile the records for your review.

Please refer to the due date located on the individual "Request #" page for an estimate of when your records, if any, will be available. This estimated due date may be adjusted depending on the nature of your request.

Note also that records may be in active use at this time and therefore not available for immediate review. Additionally, in accordance with the Louisiana Public Records Law, the City of New Orleans strives to promptly release all records which contain only public information and are not otherwise exempt

2024-06513

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2024 JUL 17 P 04:28

# M

**CIVIL**

## Section 13

**DISTRICT COURT**

from the Public Records Law. The City must balance its commitment to open its legal obligation to review public records for such exceptions and exemptions prior to release.

Also, please note that there may be a delay in responding to requests for email. Requests for email must first be sent to the City's IT Department to retrieve the requested emails. The emails must then be examined to determine if there is any material that must be redacted for privacy concerns and otherwise.

As soon as the custodian notifies our office that the records have been compiled you will be invoiced by email. Once you pay the invoice, you may download the records. Alternatively, you may schedule a time to review or purchase copies of the records. Thank you for your request, and we look forward to working with you to provide public records in a fair and efficient manner.

Thank you,

City of New Orleans

June 24, 2024, 6:12pm



### Department assignment

Public

City Attorney

June 24, 2024, 6:12pm by Katherine M. Thorstad



### Request opened

Public

Request received via web

June 24, 2024, 6:12pm by Katherine M. Thorstad

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# EXHIBIT “K”

2024-06513

**M**  
From:  
To:  
Subject:  
Date:  
**Section 13**

[City of New Orleans Public Records](#)

[Kate Thorstad](#)

Your City of New Orleans public records request #24-10589 has been closed.  
Friday, June 28, 2024 12:29:55 PM

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You don't often get email from [messages@nextrequest.com](mailto:messages@nextrequest.com). [Learn why this is important](#)

– Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. –

## City of New Orleans Public Records

Record request #24-10589 has been closed. The closure reason supplied was:

Ms. Thorstad:

The Department of Homeland Security and Emergency Preparedness advises that it has provided all of the documents that it has in response to your request in PRR# 24-813 and PRR#24-814.

On behalf of the custodial department(s), our office has responded to your request and considers it closed.

Law Department  
City of New Orleans  
1300 Perdido St., Ste. 5E03  
New Orleans, LA 70112  
504-658-9800

[View Request 24-10589](#)

<https://nola.nextrequest.com/requests/24-10589>

2024-06513

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Section 13

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*Questions about your request? Reply to this email or sign in to contact staff at City of New Orleans.*

*Technical support: See our [help page](#)*