

FILED FOR RECORD
ST. JAMES PARISH, LA
2023 DEC 21 PM 1:54
CLERK OF COURT

23rd JUDICIAL DISTRICT COURT

BY: _____

COPY

PARISH OF ST. JAMES
STATE OF LOUISIANA

NO. 41903

DIVISION "B"

BEVERLY ALEXANDER; RISE ST. JAMES; INCLUSIVE LOUISIANA; and MOUNT
TRIUMPH BAPTIST CHURCH by and through their members

VERSUS

ST. JAMES PARISH

FILED: December 21, 2023

Shaw W. Ode
DEPUTY CLERK

PETITION IN INTERVENTION

NOW INTO COURT, through undersigned counsel, comes Koch Methanol St. James, LLC ("Koch"), a Delaware limited liability company, whose principal place of business is in Wichita, Kansas, which respectfully represents as follows:

1.

Pursuant to Louisiana Code of Civil Procedure article 1091, Koch respectfully seeks to intervene in the above-captioned action by uniting with the defendant in resisting the Petitioners' demand to reverse the St. James Parish Planning Commission's ("Planning Commission") and St. James Parish Council's ("Council") approval of Koch's land use application.

2.

Koch operates a methanol production facility located in St. James Parish, Louisiana.

3.

On July 12, 2023, Koch submitted a land use application to St. James Parish seeking approval to undertake improvement projects at the facility.

4.

On July 31, 2023, the Planning Commission approved Koch's land use application.

5.

On September 27, 2023, the Council held a public hearing regarding an appeal of the Planning Commission's approval of the land use application, after which the Council denied the appeal.

6.

Petitioners in the instant case, Beverly Alexander, Rise St. James, Inclusive Louisiana, and Mount Triumph Baptist Church thereafter filed this suit appealing the approval of Koch's land use application, seeking both a reversal of the approval and a stay of the approval.

7.

Louisiana Code of Civil Procedure article 1091 permits a third person having an interest in a pending action to intervene therein. Koch has a justiciable interest in, and a connexity to, the principal action, because the Planning Commission and Council's approval of Koch's land use application, which gave rise to Petitioners' action, deals exclusively with Koch's use of its facility, including Koch's plans to increase the reliability, and optimize operations, of the facility.

8.

Any ruling regarding the Planning Commission and Council's approval of Koch's land use application will have a direct impact upon Koch's rights, as it is the operator of the facility and the beneficiary of the granted land use application, which Petitioners seek to reverse and stay. Accordingly, Koch has sufficient interest to intervene. *See, e.g., Mayor and Council of Morgan City v. Louisiana Dept. of Envmtl. Quality*, 604 So. 2d 144, 147 (La. App. 1 Cir. 1992) (parties supporting issuance of water quality certification had sufficient interest to intervene in judicial review proceedings brought by opponents seeking to have certification vacated).

9.

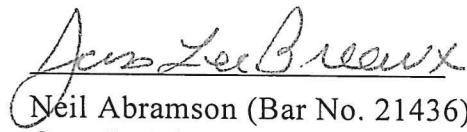
Because the defendant in the principal action has not yet filed its answer, Koch may file this petition of intervention without leave of court. La. Code Civ. Pr. art. 1033.

10.

Undersigned counsel for Koch contacted plaintiffs' counsel and asked if plaintiffs have an objection to Koch's Petition for Intervention. Plaintiffs' counsel responded that plaintiffs have no objection to Koch's filing this Petition.

WHEREFORE, Koch moves to intervene in this matter and prays that it be permitted to proceed as a party to this action, that the Petitioners and Defendant be served with a copy of this Petition in Intervention, and that after due proceedings be had, this Court deny Petitioners' Petition for Judicial Review and dismiss it with prejudice, at Petitioners' cost.

Respectfully submitted,



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Greg L. Johnson (Bar No. 24477)
James L. Breaux (Bar No. 26817)
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Attorneys for Koch Methanol St. James, LLC

SHERIFF PLEASE SERVE:

Petitioners:

Beverly Alexander and RISE St. James
Through their attorney of record:
Lisa Jordan
Tulane Environmental Law Clinic
6329 Freet Street, Suite 130
New Orleans, Louisiana 70118

Inclusive Louisiana and Mt. Triumph Baptist Church

Through their attorney of record:
Pam Spees
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

Defendant:

St. James Parish,
Through their attorney of record or
through its Parish President:
Pete Dufresne, President
St. James Parish
5800 Highway 44, Second Floor
Convent, Louisiana 70723

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ORDER

The foregoing Petition in Intervention being considered:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Koch Methanol St.
James, LLC is allowed to Intervene and proceed as a party in the captioned docket.

Convent, Louisiana, this _____ day of _____, 202__.

Judge