

IN THE SUPREME COURT FOR THE STATE OF MISSISSIPPI

MARSHALL COUNTY BOARD OF SUPERVISORS

APPELLANT

VS.

2008-CA-01744

STEVE LACROIX

APPELLEE

REPLY BRIEF OF APPELLANT, MARSHALL COUNTY BOARD OF SUPERVISORS

**ON APPEAL FROM THE CHANCERY COURT
OF MARSHALL COUNTY, MISSISSIPPI**

(ORAL ARGUMENT IS NOT REQUESTED)

SUBMITTED BY:

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MSB # 9031**

**JUSTIN S. CLUCK
ATTORNEY FOR APPELLANT
MSB # 100733**

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REPLY BRIEF

The majority of Lacroix's response argues that Marshall County waived its argument that the litigation exception to the DPPA did not apply to Lacroix's request. This argument is meritless however, as the entire basis of Marshall County's Complaint for Declaratory Judgment was premised on the application of the DPPA to his public records request, which is clearly evidenced by the record in this case.

Lacroix next attempts to argue that a prior case involving a different public records request is somehow dispositive of the issues on appeal in the case *sub judice*. On August 1, 2007, Lacroix made a public records request for certain records maintained by Marshall County concerning his own personal solid waste account as well as requesting a copy of his own Mississippi State Commission Motor Vehicle Records. This matter was litigated in Chancery Court, with the Chancellor ultimately ordering Marshall County to produce the records.¹ However, the Chancellor only required Marshall County to produce Lacroix's records, not the solid waste records and state tax commission records *for every resident* of Marshall County. The clear difference between the prior request and the issue in the case at bar, lies in the fact that Lacroix gave Marshall County express permission to release *his own personal records*, but did not obtain authorization from each individual taxpayer in Marshall County in order to allow the County to disclose the requested information pursuant to the DPPA. Accordingly, without each individual taxpayers permission, Marshall County could not legally disclose this information to Lacroix. These two cases, although involving the same parties, revolve around completely different issues.

¹ This case is currently on appeal before the Mississippi Court of appeals styled, Steve Lacroix v. Marshall County Board of Supervisors, 2008-CP-477-COA.

Lacroix also now raises an issue, for the first time, regarding the recusal of Chancellor Alderson to this case, after an appeal had already been filed. However, since Lacroix did not appeal Alderson's recusal within thirty-days after the recusal order and similarly did not appeal the appointment of the new Chancellor within the requisite thirty days. Accordingly, this issue is not ripe for appeal.

For the foregoing reasons, Marshall County respectfully submits that this Honorable Court should reverse Chancellor Alderson's October 1, 2008, Order and find that the records requested by Steve Lacroix contain personal information, highly restricted personal information and that the litigation exception to the DPPA is inapplicable to Lacroix's February 19, 2008, public information request.

RESPECTFULLY SUBMITTED, this the 9 day of June, 2009.

**MARSHALL COUNTY BOARD OF SUPERVISORS,
Appellant**

By: 

JUSTIN S. CLUCK, 

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CERTIFICATE OF SERVICE

I, the undersigned attorney of record, hereby certify that I have this day mailed, postage prepaid, a true and correct copy of the **REPLY BRIEF OF APPELLANT, MARSHALL COUNTY BOARD OF SUPERVISORS**, to the following:

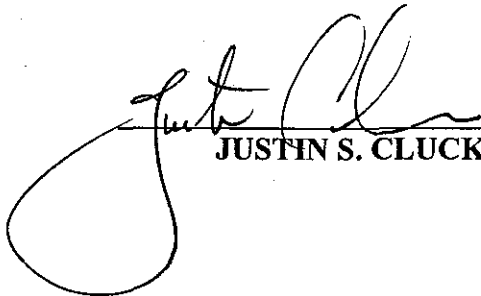
Steve Lacroix
384 River Ridge Circle
Byhalia, MS 38611

Appellee, *pro se*

Honorable Glenn Alderson
Chancery Court Judge
P.O. Box 70
Oxford, MS 38655

Trial Court Judge

THIS, the 9 day of June, 2009.


JUSTIN S. CLUCK