

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

**FILED**  
OCT 02 2015  
EDDIE JEAN CARR, CHANCERY CLERK  
y. ACOTEMAN D.C.

MISSISSIPPI FAIR COMMISSION

PLAINTIFF

V.

CAUSE NO. G2015-1479 0/3

CITY OF JACKSON, MISSISSIPPI

DEFENDANT

COMPLAINT

Comes now the Mississippi Fair Commission, a public agency created by the Legislature of the State of Mississippi pursuant to Miss. Code §§ 69-5-1, *et seq.* and files this Complaint for Injunction against the City of Jackson, a municipality and political subdivision of the State of Mississippi and would show unto the Court as follows:

1. The City of Jackson may be served with process by service on its Mayor or City Clerk.
2. That this Court has jurisdiction of the parties and jurisdiction of the subject matter of this proceeding. Venue is proper in the First Judicial District of Hinds County, Mississippi.
3. This Complaint is filed on an emergency basis seeking a preliminary injunction with notice pursuant to Rule 65 of the Mississippi Rules of Civil Procedure. The Complaint, upon final hearing, also seeks a permanent injunction.
4. The Mississippi Fair Commission is the sponsor of the Mississippi State Fair as referenced in Miss. Code § 69-5-3 which has long been an annual event conducted at the

Mississippi Fairgrounds situated on High Street in the City of Jackson, Mississippi. The Mississippi State Fair begins on October 7, 2015 and concludes October 18, 2015.

5. Annually thousands of persons from throughout the State of Mississippi, including the City of Jackson, attend the Mississippi State Fair. Their attendance at this event in the State's capital city generates substantial revenue for retail businesses, restaurants, hotels, motels and other taxpayers in the City of Jackson, all of which generate sales tax revenues for the City of Jackson as well as the benefit to its merchants, other businesses and their employees.

6. Pursuant to Miss. Code § 21-21-3, municipalities have power and authority to maintain police forces to provide sufficient and necessary security, traffic regulation and police service and protection to citizens within its municipal boundaries, including persons who visit therein. This power has been consistently interpreted as a duty and responsibility of a municipality to perform such services. "Police Department has . . . the duty to keep the peace and enforce traffic regulations within its particular jurisdiction and could not intentionally withhold its services." Attorney General Opinion, September 11, 1991:

7. Despite the clear legal obligation of the City of Jackson to provide police security, services and protection, it has refused to provide sufficient services at the request of the Mississippi Fair Commission for the Mississippi State Fair on October 7-18, 2015. The Fair Commission has arranged for off-duty law enforcement officers to provide security inside the fence of the State Fairgrounds. Miss. Code. Ann. § 69-5-31. The Fair

Commission has not requested that the city provide police service on the fairgrounds (inside the fence) but for patrol and traffic control outside the fence on the streets of the City of Jackson. The City has stated it would only provide one policeman and one car for security outside the fairgrounds fence unless it is paid to provide a full compliment of police security. There is no legal basis for the City of Jackson to refuse sufficient police protection and security within the municipal boundaries of the City, particularly with reference to an event that attracts thousands of visitors to the capital city, an event which benefits the municipality's merchants, other businesses and generates significant sales tax revenue for the City.

8. All interpretations of the police authority under the Miss. Code specifically reject the ability of a municipality to condition its provision of police protection on payment from a private citizen, a private business, or another public agency. Most recently, the Attorney General addressed the 2009 Mid-South Fair held at the Desoto County Civic Center in Southaven, Mississippi. The City of Southaven complained that an extraordinary burden would be created for its Police Department to provide police protection for the Fair.

The Attorney General opined that:

A municipality is obligated to provide police protection to all of its citizens. In fulfillment of such obligation, a municipality has no authority to enter an agreement, whether orally or in writing, to provide certain citizens, businesses or governmental entities with greater police protection and others as consideration for reimbursement of the cost of additional police power. Opinion, Office of the Attorney General, May 22, 2009, 2009 WL 1643499 (Miss. A.G.)

9. The Plaintiff has no plain, speedy and adequate remedy at law. It will suffer irreparable harm and injury if the Court does not require the City of Jackson to fulfill its statutory obligation to provide police service, traffic regulation, security and protection outside the fairgrounds fence at the Mississippi State Fair.

10. The Plaintiff has a substantial likelihood of success on the merits of this litigation. The Plaintiff will be irreparably harmed if it does not obtain a preliminary injunction. The so-called harm to the City of Jackson is that it is forced to incur an expense that the law requires it to incur. A preliminary injunction is in the public interest.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Court grant an immediate and preliminary injunction against the City of Jackson requiring it to fulfill its statutory duty to provide reasonable and sufficient police services, traffic regulation, security and protection outside the fairgrounds fence for the benefit of the thousands of citizens of the State of Mississippi, including citizens of the City of Jackson, who choose to attend the Mississippi State Fair, on October 7-18, 2015, and, upon final hearing, a permanent injunction.

DATED: October 1, 2015.

Respectfully submitted,

MISSISSIPPI FAIR COMMISSION,  
Plaintiff

BY: 

JOHN G. CORLEW (MSB # 6526)

John G. Corlew (MSB # 6526)  
Lynn C. Wall (MSB #99552)  
CORLEW MUNFORD & SMITH PLLC  
4450 Old Canton Road; Suite 111 (39211)  
Post Office Box 16807  
Jackson, MS 39236-6807  
Telephone: 601-366-1106  
Facsimile: 601-366-1052  
[jcorlew@cmslawyers.com](mailto:jcorlew@cmslawyers.com)  
[lwall@cmslawyers.com](mailto:lwall@cmslawyers.com)