

IN THE CHANCERY COURT OF WARREN COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

NO: 2022-076GN

JEAN-JACQUES PARMEGIANI,
KARA PARMEGIANI AND
REFINED SOUTH RESTAURANT GROUP, LLC
AND JOHN DOES 1-3

DEFENDANTS

**PETITION FOR EX PARTE TEMPORARY RESTRAINING ORDER, PRELIMINARY AND
PERMANENT INJUNCTIVE RELIEF,
AND TO ABATE A PUBLIC NUISANCE**

COMES NOW, State of Mississippi, by and through Mayor George Flaggs, Jr., and files this Petition against Defendants, Jean-Jacques Parmegiani, Kara Parmegiani and Refined South Restaurant Group, LLC, and John Does 1-3 for a Temporary Restraining Order, Preliminary and Permanent Injunctive Relief, and to Abate a Public Nuisance, and in support of the same would show unto the Court as follows, to-wit:

1.

Mayor George Flaggs, Jr., is a citizen of Warren County, Mississippi and is the Mayor of the City of Vicksburg, Mississippi which is a Municipal corporation located in Warren County, Mississippi, organized and existing under and by virtue of the laws of the State of Mississippi. The Board of Mayor and Aldermen of the City of Vicksburg is a Municipal corporation located in Warren County, Mississippi, organized and existing under and by virtue of the laws of the State of Mississippi. The City of Vicksburg has the authority to prevent, remove and abate nuisances according to the laws of the State of Mississippi.

2.

Defendant Jean-Jacques Parmegiani, is the owner of the Refined South Restaurant Group, LLC which its principal place of business being located at 737 Rollingwood Drive, Vicksburg, Mississippi 39183. He is also the registered agent for service of process for Refined South Restaurant Group, LLC and may be served with process of the Court at 117 McAuley Drive, Vicksburg, Mississippi 39180. Kara

Parmegiani is listed as the co-owner of Refined South Restaurant Group, LLC and may be served with process at 737 Rollingwood Drive, Vicksburg, Mississippi 39183.

3.

This Court has jurisdiction over the parties and subject matter herein pursuant to Mississippi Code Annotated Sections 95-3-5 and 95-3-7 (1972) as amended.

4.

The Plaintiff would show that the business known as Refined South Restaurant Group, LLC is owned by Defendants Jean-Jacques Parmegiani and Kara Parmegiani. Refined South Restaurant Group, LLC operates Jacques Bar located at 1306 Washington Street, Vicksburg, Mississippi 39180. At all times relevant to this Petition, the Defendants have been permitting and encouraging improper and illegal activity to occur on said property. The nuisance conditions of said property substantially and unreasonably injures the health and safety of patrons of the establishment and interferes with the comfortable enjoyment of life and property of the residents of the City of Vicksburg and Warren County, Mississippi.

5.

The Plaintiff would show unto this Court that the Defendants have permitted and encouraged activities that are both illegal and dangerous to occur on the property which create an environment that is harmful to innocent patrons and others while fostering an atmosphere that endangers the health, safety, and welfare of its patrons. Further, the Defendants have refused to maintain a safe environment for the persons who frequent the establishment and hereby refuse to comply with the Memoranda of Understanding entered into with the Plaintiff and are hereto attached as Exhibit "A" and incorporated herein as though fully set forth. That the Plaintiff have availed themselves to the Defendants to attempt to abate the activities within the establishment that are dangerous to the Defendants' patrons.

6.

The Plaintiff would show that various illegal, improper and dangerous activities continually occur at Jacques Bar during business hours and inside the premises of the facility located at 1306 Washington Street, Vicksburg, Mississippi. There are frequent and repeated incidents involving firing of weapons,

fights, two recent aggravated assaults involving the use of a weapon and other disorderly conduct. Defendants are or should be aware of said illegal activity and have failed to correct and/or prevent said illegal activity from occurring. Attached hereto is a collective exhibit of police incident reports marked as Exhibit "B" and incorporated herein as though fully set forth in full, true and correct copies of Vicksburg Police Department police reports and a summary thereof, reflecting the multiple times that Jacques Bar has had actual notice of the dangerous and illegal activities involving violence and the use of weapons on the premises from December 1, 2018 through April 17, 2022. These reports reflect a continuing and escalating course of violence on the premises of Jacques Bar during regular business hours, with a recent night of violence at the club that resulted in two aggravated assaults involving the use of weapons that occurred during the early morning hours of April 17, 2022.

7.

The Plaintiff would show that the Defendants have encouraged the violence and illegal behavior in Jacques Bar due to the actions of its employees who have engaged in criminal actions while employed at Jacques Bar while on duty at Jacques Bar in their respective positions of employment.

8.

At all times relevant to this complaint, Defendants knew or in the exercise of due care should have known that, by failing to correct and/or prevent the dangerous, illegal, and improper conduct and activities on and in the premises described herein, that they were creating and maintaining a public nuisance and were subjecting the general members of the community to all of the dangers incidental to said conduct and activities.

9.

The Defendants owe the public a duty to prevent and/or stop offensive, dangerous and illegal activity on and in their property, and by failing to act in a manner that would stop and/or prevent said activity, Defendants are putting the public in danger.

10.

**REQUEST FOR EX PARTE TEMPORARY RESTRAINING ORDER AND PRELIMINARY
AND PERMANENT INJUNCTION**

The Plaintiff would show that urgent and necessitous circumstances exist in that various dangerous, illegal and obnoxious activities continually occur at Jacques Bar during regular business hours and on the premises of 1306 Washington Street, Vicksburg, Mississippi. These activities include frequent and repeated incidents including fights, discharges of firearms, aggravated assaults involving the use of weapons and other disorderly conduct; and said illegal activity is creating a public nuisance. The Plaintiff would further show that these violence occurrences have the potential to cause immediate and irreparable harm and injury to members of the public and law enforcement. The Defendants are aware of all of the illegal and dangerous activities reflected in this Complaint; and despite said notice, the Defendants have failed to stop and/or prevent the activity. All of this activity is continuing and escalating, and has become an annoying, immediate and dangerous public nuisance.

11.

The Plaintiff would show that immediate and irreparable injury, loss and/or danger will occur if the Defendants are allowed to continue to operate said business, and that injunctive relief is necessary to prevent violations of the law and to abate an ongoing, dangerous, annoying, and harmful public nuisance. Further, there is no adequate remedy under the law which would sufficiently and adequately abate said public nuisance at 1306 Washington Street, Vicksburg, Mississippi, without the appropriate injunctive relief being granted. The Plaintiff would further show that there is insufficient time to notify the Defendants of this *ex parte* temporary hearing and it is believed that time is of the essence due to the obvious, immediate and dangerous illegal activity occurring at said location. Attached as hereto as Exhibit "C" and incorporated herein as though set forth in full, is the original affidavit of Kimberly Nailor, City Attorney.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff respectfully requests that this Court accept this Petition for *Ex Parte* Temporary Restraining Order, Preliminary and Permanent Injunctive Relief, and to Abate Public Nuisance, that the same be filed and served upon the Defendants in the manner provided by law and that after a full hearing hereon, this Court will grant to the Plaintiff such general and

specific relief necessary to abate the public nuisance at 1306 Washington Street, Vicksburg, Mississippi, including but not limited to: revoking and suspending any and all business licenses related Jacques Bar and granted to the Defendants and/or anyone associated with them in the actions set forth herein; close the business known as Jacques Bar, and any other business owned and/operated by the Defendants which have similar allegations of impropriety; and such other general relief as may be necessary to fully and adequately abate any public nuisance shown to exist. Further, due to the urgent and necessitous circumstances as alleged herein, the Plaintiff requests that this Court will grant unto Plaintiff immediately an *ex parte* Temporary Order against the Defendants enjoining said Defendants from engaging in any activity on said property and to temporarily seize Defendants' real property, secure said property, and temporarily close said business until such time as preliminary and permanent injunctive relief can be heard by this Court. This *ex parte* relief is necessary to prevent the suffering of immediate and irreparable injury and harm. Plaintiff prays for all such other general and specific relief to which the State of Mississippi is entitled under the circumstances.

RESPECTFULLY SUBMITTED,

BY: 

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EXHIBIT A

MEMORANDUM OF UNDERSTANDING BETWEEN THE REFINED SOUTH
RESTAURANT GROUP LLC d/b/a JACQUES AND
THE CITY OF VICKSBURG, MISSISSIPPI

WHEREAS, THE REFINED SOUTH RESTAURANT GROUP LLC d/b/a JACQUES (hereinafter "Jacques") leases property located at 1306 Washington Street in the City of Vicksburg that is operated as a nightclub that has resort status; and,

WHEREAS, JACQUES has agreed to improve the security and operation of business and events at the property in order to prevent any violent or illegal activities in or around its premises for the safety of the patrons of the events, the community and its citizens; and

WHEREAS, The City of Vicksburg has a responsibility to the citizens of the community to provide for its safety and well being and to take preventive measures against the recurrence of violent actions at or in close proximity to local venues.

WHEREAS, JACQUES has been closed since an altercation involving participants at a private party in its premises exchanged gunfire outside and across the street from its premises, but in close proximity to the business. JACQUES will be allowed to reopen for events on December 26, 2018 subject to the following stipulations and agreements:

1. There will be a zero tolerance policy for any disturbance, argument, or other conflict between guests anywhere on the premises. At the first sign of any such activity, law enforcement will be called.

2. The following stipulations apply for events held at the location:

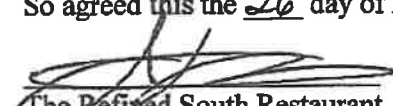
A. The minimum age for anyone to be allowed entry at the club will be 21 years old.


B. Jacques will be responsible for checking identification at the door for any admission to the club.

C. Jacques will continue to provide security cameras inside the premises.

D. Jacques will continue to provide security guards when open for business and for private parties. Security officers will be stationed inside and outside, especially at closing time, to deter violent activities outside as patrons are leaving.

So agreed this the 26 day of December, 2018.


The Refined South Restaurant
Group d/b/a Jacques
By: Jay Parmegiani, Member


George Flaggs, Jr., Mayor
City of Vicksburg, MS

MEMORANDUM OF UNDERSTANDING BETWEEN THE REFINED SOUTH
RESTAURANT GROUP LLC d/b/a JACQUES AND
THE CITY OF VICKSBURG, MISSISSIPPI

WHEREAS, THE REFINED SOUTH RESTAURANT GROUP LLC d/b/a JACQUES (hereinafter "Jacques") leases property located at 1306 Washington Street in the City of Vicksburg that is operated as a nightclub that has resort status; and,

WHEREAS, JACQUES has agreed to improve the security and operation of business and events at the property in order to prevent any violent or illegal activities in or around its premises for the safety of the patrons of the events, the community and its citizens; and


WHEREAS, The City of Vicksburg has a responsibility to the citizens of the community to provide for its safety and well being and to take preventive measures against the recurrence of violent actions at or in close proximity to local venues.

WHEREAS, JACQUES previously signed an MOU on December 26, 2018 and it is necessary to re-visit that agreement and improve security measures; and

WHEREAS, JACQUES has been closed since an altercation both inside and outside of the business in which a fight started inside the business and the offender was ejected from the premises and went to his car and got a gun and started firing shots and tried to get back into the business. JACQUES will be allowed to reopen on June 8, 2020 subject to the following stipulations and agreements:

1. There will be a zero tolerance policy for any disturbance, argument, or other conflict between guests anywhere on the premises. At the first sign of any such activity, law enforcement will be called. The offender(s) will not be released outside to go to their vehicles, but will be held by security guards until police arrive. JACQUES agrees that it will file an affidavit for the appropriate charge against the offender(s) and cooperate with the prosecution of such offender(s).
2. The following stipulations apply at the location when open for events or to the public:
 - A. The minimum age for anyone to be allowed entry at the club will be 21 years old.
 - B. Jacques will be responsible for checking identification at the door for any admission to the club.
 - C. Jacques will continue to provide security cameras inside the premises.
 - D. Jacques will provide a minimum of five (5) security guards when open for business and for private parties. Security officers will be stationed inside and outside, especially at closing time, to deter violent activities outside as patrons are leaving. Jacques will instruct its security guards to call 911 at the first sign of any disturbance.

So agreed this the 10 day of June, 2020.


The Refined South Restaurant
Group d/b/a Jacques
By: Jay Parmegiani, Member


George Flaggs, Jr, Mayor
City of Vicksburg, MS