

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

BILLY BROUSSARD	*	NO. _____
	*	
VERSUS	*	SECTION _____
	*	
DWAYNE FATHERREE AND WICK COMMUNICATIONS COMPANY	*	JUDGE:
	*	
	*	MAG. JUDGE:

NOTICE OF REMOVAL

Defendants, Dwayne Fatherree and Wick Communications Co., hereby give notice and remove this action from the 16th Judicial District Court for St. Martin Parish, State of Louisiana (Cause No. 91869, Docket “B”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. In support of this Notice of Removal, Defendants represent the following:

INTRODUCTION AND PROCEDURAL REQUIREMENTS

1. Defendants base this removal on diversity jurisdiction under 28 U.S.C. §§ 1332(a), because Plaintiff and each of the Defendants are citizens of different states and the amount in controversy exceeds seventy-five thousand and no/100 dollars (\$75,000.00), exclusive of interest and costs.
2. The United States District Court for the Western District of Louisiana is the federal judicial district embracing the 16th Judicial District Court for St. Martin Parish, Louisiana; therefore venue is proper in this Court under 28 U.S.C. § 98(c) and 28 U.S.C. § 1441(a).
3. In accordance with 28 U.S.C. § 1446(a), attached hereto as composite Exhibit A is a copy of the state court filings, including “all process, pleadings, and orders” served upon Defendants.

4. On July 22, 2022, Plaintiff, Billy Broussard, filed a Petition for Damages for Libel (hereinafter “Petition”) in the 16th Judicial District Court for St. Martin Parish, in a proceeding entitled *Billy Broussard v. Dwayne Fatherree and Wick Communications Company*, and bearing Cause No. 91869, Docket B.¹

5. In the Petition, Plaintiff asserts a claim for libel based on an article published by the *Daily Iberian* newspaper on August 4, 2021.² At the time of publication, Dwayne Fatherree, was a reporter with the *New Iberian* newspaper, which is owned by Wick Communications Co.

6. Billy Broussard, is a resident citizen of the State of Louisiana.³

7. Dwayne Fatherree, is an adult resident of the State of Alabama.⁴

8. Wick Communications Co. is an Arizona corporation with its principal place of business in the State of Arizona.⁵

9. In the Petition, Plaintiff claims that he is entitled to a jury trial because “the amount in controversy exceeds \$10,000.”⁶

10. On January 12, 2023, Plaintiff filed a Written Reasons for Issuance of Default Judgment and Default Judgment (hereinafter “Written Reasons”),⁷ wherein he claimed monetary damages in the amount of \$287,163.75.⁸

¹ See Exhibit A, at pp. 1-11, Petition for Damages for Libel.

² See Exhibit A, at pp. 9-11, Exhibit P-1.

³ Exhibit A, at p. 1, ¶ 1.

⁴ *Id.* at p. 16, Citation to Dwayne Fatherree.

⁵ *Id.* at p. 1, ¶ 2.

⁶ *Id.* at p. 7, ¶ 32.

⁷ See Exhibit A, at pp. 27-81, Written Reasons for Issuance of Default Judgment and Default Judgment.

⁸ Exhibit A, at p. 27-30, ¶¶ 7-8, 14-15. Defendant, Wick Communications Co., was not served with this pleading prior to the filing of a Request for Notice and Answer and Affirmative Defenses by undersigned counsel on February 1, 2023. *Id.* at pp.83-84 and pp. 85-88, respectively.

FEDERAL DIVERSITY JURISDICTION

11. Any civil action brought in a State court of which the district courts have original jurisdiction may be removed to the proper district court.⁹ District courts have original jurisdiction over all civil actions between citizens of different states where the amount in controversy exceeds \$75,000, exclusive of interest and costs.¹⁰

12. Generally, a defendant is required to file a notice of removal within 30 days from the time the defendant receives the “initial pleading setting forth the claim for relief [...]”¹¹ However, where the initial pleading does not provide grounds for removal, a defendant may remove the action “within 30 days after receipt...of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.”¹²

THE REQUISITE DIVERSITY IS SATISFIED

12. A defendant may remove an action on the basis of diversity of citizenship if there is complete diversity between the named plaintiffs and all properly-joined and served defendants and no defendant is a citizen of the forum state.¹³ Complete diversity exists when “the citizenship of each plaintiff is diverse from the citizenship of each defendant.”¹⁴

13. Plaintiff, Billy Broussard, is a domiciliary and citizen of the State of Louisiana and, as such, is considered a citizen of Louisiana for purposes of diversity jurisdiction.¹⁵

⁹ 28 U.S.C. § 1441 (a).

¹⁰ 28 U.S.C. § 1332 (a)(1).

¹¹ 28 U.S.C. § 1446 (b)(1).

¹² 28 U.S.C. § 1446 (b)(3).

¹³ *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 2 L.Ed 435 (1806); *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005); *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1079 (5th Cir. 2008).

¹⁴ *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 67-68, 117 S.Ct. 467, 136 L.Ed.2d 437 (1996); *see also State Farm Fire & Casualty Co. v. Tashire*, 386 U.S. 523, 531, 87 S.Ct. 1199, 18 L.Ed.2d 270 (1967).

¹⁵ *See* ¶ 6, *supra*. *See, e.g., Hendry v. Masonite Corp.*, 455 F.2d 955 (5th Cir.1972), *cert. denied*, 409 U.S. 1023, 93 S.Ct. 464, 34 L.Ed.2d 315.

14. Defendant, Dwayne Fatherree, is a domiciliary and citizen of the State of Alabama. Accordingly, he is deemed a citizen of Alabama for purposes of diversity jurisdiction.¹⁶

15. For diversity purposes, a corporation is a citizen of the state where it was incorporated and the state where it maintains its principal place of business.¹⁷ Defendant, Wick Communications Co. is an Arizona corporation with its principal place of business in Arizona.¹⁸

16. Based on the foregoing, complete diversity exists among all parties in accordance with 28 U.S.C. §§ 1332(a).

THE REQUISITE AMOUNT IN CONTROVERSY IS SATISFIED

17. While denying any liability, Defendants state that for purposes of this Notice of Removal, the amount in dispute exceeds seventy-five thousand dollars (\$75,000), exclusive of interest and costs.

18. In the Petition, Plaintiff claimed damages “in excess of \$10,000” in order to request a trial by jury.¹⁹ Because the Petition did not affirmatively establish that Plaintiff sought damages in excess of the federal jurisdictional amount, this matter was not removable at the time of its initial filing.²⁰

19. However, in the Written Reasons filed on January 12, 2023, Plaintiff affirmatively stated the exact amount of damages being sought - \$287,163.75.²¹ Plaintiff’s Written Reasons

¹⁶ See ¶ 7, *supra*.

¹⁷ 28 U.S.C. §1332(c); *Lincoln Prop. Co.*, 546 U.S. at 88-89.

¹⁸ See ¶ 8, *supra*

¹⁹ Exhibit A, at p. 7, ¶ 32. The jury trial threshold in Louisiana state courts is \$10,000. La. C. Civ. Pro. art. 1732; *see also Myers v. Walmart Inc.*, No. 21-02618, 2022 WL 2682109, at *1, n.1 (W.D. La. June 10, 2022), *report and recommendation adopted*, 2022 WL 2679603 (W.D. La. July 11, 2022) (internal citations omitted).

²⁰ *See Chapman v. Powermatic, Inc.*, 969 F.2d 160, 163 (5th Cir. 1992) (holding that the initial pleading must affirmatively reveal “on its face” that the plaintiff is seeking damages in excess of the minimum jurisdictional amount).

²¹ Exhibit A, at p. 27-30, ¶¶ 7-8, 14-15.

constitutes “other paper” that for first time clearly established that Plaintiff’s claim for damages in this case exceeds the federal jurisdictional requirement.²² Accordingly, the amount in controversy requirement under 28 U.S.C. § 1332(a) is satisfied.

REMOVAL IS TIMELY

20. This Notice of Removal is filed within 30 days of receipt of “other paper” from which Defendants ascertained that this case had become removable, per the requirements of 28 U.S.C. § 1446(b)(3). More specifically, this Removal is filed within 30 days of the filing of Plaintiff’s Written Reasons on January 12, 2023.²³

21. Further, this Removal is filed less than one year of the commencement of this action on July 21, 2022, per 28 U.S.C. § 1446(c).

REQUISITE NOTICE

22. In accordance with 28 U.S.C. § 1446(d), Defendants will provide written notice of the filing of this Notice of Removal to Plaintiff, Billy Broussard, and a copy will be filed with the Clerk of Court for the 16th Judicial District Court for St. Martin Parish, State of Louisiana.

WHEREFORE, Defendants, Dwayne Fatherree and Wick Communications Co., pray that the above-entitled state court action, now pending in the 16th Judicial District Court for St. Martin Parish, State of Louisiana, be accepted as removed to the United States District Court for the Western District of Louisiana.

²² See *Bosky v. Kroger Texas, LP*, 288 F.3d 208, 211 (5th Cir. 2002) (holding that the information supporting removal in an amended pleading...or other paper must be “unequivocally clear and certain” to begin tolling the thirty day time limit); see also *Chandler v. Ruston Louisiana Hospital Co., LLC*, No. 14-121, 2014 WL 1096365 (W.D. La. March 19, 2014).

²³ See Exhibit A, at p. 30. For purposes of clarification, neither Defendant was aware of Plaintiff’s Written Reasons prior to January 31, 2023 when undersigned counsel reviewed the state court’s on-line docket. Nonetheless, out of an abundance of caution, Defendants’ Notice of Removal is being submitted within Thirty days of the original January 12, 2023 filing date.

Respectfully submitted,

GORDON REES SCULLY MANSUKHANI, LLP

/s/ Daphne M. Lancaster

Daphne M. Lancaster (LSBA No. 34630)

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New Orleans, Louisiana 70170

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Facsimile: (504) 208-3670

dlancaster@grsm.com

NOAsbestos@grsm.com

*Counsel for Dwayne Fatherree and
Wick Communications Co.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have electronically filed the foregoing pleading with the Clerk of Court via the CM/ECF system and have provided written notice thereof to Plaintiff, Billy Broussard, via electronic mail and U.S. Mail, postage pre-paid, at:

Billy Broussard
1307 South Main
Breaux Bridge, LA 70517
Billy@BillyBroussard.com

DATED: February _____, 2023

/s/ Daphne M. Lancaster

Daphne M. Lancaster

(LSBA No. 34630)

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Billy Broussard

(b) County of Residence of First Listed Plaintiff United States
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Dwayne Fatherree and
Wick Communications Co.

County of Residence of First Listed Defendant United States
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Daphne M. Lancaster (LSBA # 34630), Gordon Rees Scully Mansukhani, LLP; 201 St. Charles Avenue, Suite 2500, New Orleans. LA 70170

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1332

Brief description of cause:
Libel action arising out of publication of newspaper article

VII. REQUESTED IN COMPLAINT:

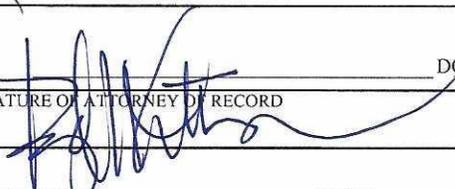
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ **CHECK YES only if demanded in complaint:**
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE: Feb 10, 2023 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING UP _____ JUDGE _____ MAG. JUDGE _____

BILLY BROUSSARD

NUMBER 91869 DOCKET: B

16TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST MARTIN

DWAYNE FATHERREE,
WICK COMMUNICATIONS COMPANY

STATE OF LOUISIANA

FILE

PETITION FOR DAMAGES FOR LIBEL

NOW UNTO COURT comes Petitioner, Billy Broussard, in proper person, who files this Petition for Damages for Libel, and who, with respect to same, does hereby allege, espouse, attest, and state as follows, to wit:

1.

That he is a person of the full age of majority and resides in the Parish of St. Martin, State of Louisiana.

2.

Made Defendants herein is Dwayne Fatherree, writer for *The Daily Iberian*, a publication based in New Iberia, Louisiana, in the Parish of Iberia, State of Louisiana operating under a Trade Name registered in Louisiana to Defendant also named herein as Defendant Wick Communications Company, a foreign, family-owned community media company headquartered in Sierra Vista, Arizona, in the County of Cochise, State of Arizona.

3.

On Tuesday, August 3, 2021, Defendant Fatherree attended a meeting of the St. Martin Parish Council to cover the consideration of an Ordinance prohibiting the dumping and burning of vegetative materials which had been hauled into the Parish.

4.

Defendant Fatherree published an article in *The Daily Iberian* the following day, Wednesday, August 4, 2021. A copy of Defendant's article is attached hereto and made a part hereof as Exhibit P-1.

5.

Despite the repeated statements in the meeting that Petitioner was "not burning," Defendant Fatherree placed in the article referenced in Paragraph 4 that Petitioner was in fact burning on four (4) separate occasions.

6.

The first instance of Defendant's false and libelous reporting that Petitioner was burning transpired in the fourth paragraph of the article, to wit:

"Broussard had bought a property in November that he was using to dump and burn material from his business."

Defendant Fatherree also reported inaccurately when Petitioner bought the property. It was purchased in September (which Defendant Fatherree later stated correctly subsequently in the same article), not November, and had Defendant paid attention to the details articulated by Parish President Chester Cedars, whom Defendant praised for providing such extensive detail, Defendant would not have reported the wrong month of purchase of the property on the one occasion in the article which he did.

7.

The second instance of Defendant Fatherree falsely reporting that Petitioner was burning transpired in the very next paragraph of the article, Paragraph 5, to wit:

"Later, when parish officials learned that not only was Broussard burning his own leavings but was also accepting dumps of material from other contractors, the parish began working on an ordinance to prevent the practice overall."

Not only is it false that Petitioner was burning on his property, but it was also false that Petitioner, "was also accepting dumps of material from other contractors," and Petitioner made that point crystal clear (just as has been subsequently testified to under oath) at the same meeting attended by and reported upon by Defendant Fatherree that the only other individual permitted to place vegetative materials on Petitioner's property was Judge Anthony Thibodeaux. Judge Thibodeaux testified under oath on May 2, 2022 that he hauled in vegetative materials to Petitioner's property but had never paid "a dime" to Petitioner to do so; furthermore, Judge Thibodeaux testified that it created a "hardship" for him when he lost the ability to haul such material to Petitioner's site and that he hoped his ability to do so was restored before long. Petitioner clearly stated at the meeting reported upon by Defendant Fatherree that the only person permitted to haul vegetative materials onto Petitioner's property was "a judge in this Parish." Again, had Defendant Fatherree paid even the slightest attention to detail, such false and libelous reporting on his part would not have transpired.

8.

The obvious bias of Defendant Fatherree's article, which, upon information and belief, was nothing short of a hit piece done to appease, and upon information and belief, was drafted in coordination with, St. Martin Parish President Chester Cedars, was made abundantly apparent a mere two paragraphs later in the article, Paragraph 7, to wit:

"Broussard went well over his five-minute time limit in presenting his defense. When he finished, Parish President Chester Cedars launched into a searing, excruciatingly detailed dismembering of Broussard's arguments, including a timeline, in many cases down to the minute, of the interactions between Broussard and the parish."

9.

While Defendant Fatherree went to such lengths to describe Parish President Chester Cedars' "searing, excruciatingly detailed dismembering of Broussard's arguments," he apparently failed to take note that, of the four properties Cedars discussed at the meeting, Cedars stated, **"three of which entailed burning."**

10.

While Cedars' presentation made it clear two of the other properties being referenced entailed burning, it apparently never dawned upon Defendant Fatherree to inquire of Cedars (or Petitioner, for that matter) if Petitioner's property was one of the other two which "entailed burning" or whether his property just might be the one Cedars left the audience to conclude was obviously not burning. Had Defendant Fatherree made such an inquiry of Petitioner, Petitioner would have told Defendant Fatherree that no burning had transpired on Petitioner's property. Furthermore, even Parish President Cedars would have indicated to Defendant Fatherree that he had no reason to believe that Petitioner was burning on his property, which is precisely why President Cedars said, "three (of the four) entailed burning." Common sense should have dictated to Defendant Fatherree that one of the four must not entail burning, and it was incumbent upon him to find out if that one property was Petitioner's property (which it was), and he failed to do so.

11.

Despite Petitioner going to his vehicle and obtaining a business card to hand to Defendant Fatherree, which he did, in order that Defendant Fatherree could contact him, "if you have any questions" prior to publishing an article, Defendant Fatherree failed to

even initiate the simple act of contacting Petitioner and seek any clarification on whether he engaged in burning activities, to which Petitioner would have immediately informed Defendant Fatherree that he was not.

12.

The next instance of Defendant Fatherree falsely publishing that Petitioner had been burning entailed an outright misstatement of what Parish President Cedars said in the meeting. Defendant's blatantly false and libelous statement is contained in Paragraph 9 of the article, to wit:

"Cedars said complaints began arriving after Broussard bought the property in September. He began bringing tree trunks and vegetation to the lot, first to dump, then to burn."

13.

Not only did Parish President Chester Cedars not state that Petitioner was burning at the meeting covered by Defendant Fatherree, but on May 2, 2022, President Cedars correctly stated under oath that he had "never" stated that Petitioner was burning. Petitioner again states that Defendant Fatherree's goal, as evidenced by the replication of his paragraph referenced in Paragraph 12 of this Petition, was to paint Petitioner in the worst possible light in his feature, and he simply divested himself of any obligation whatsoever to report the truth about Petitioner's activities on his family farm. In short, he was hell bent and determined to portray Petitioner as actively engaging in burning activity irrespective of the fact that portrayal was completely and utterly false; furthermore, Defendant Fatherree should have known that fact had he paid the slightest attention to the detail that he so eloquently admits that President Cedars provided at the meeting.

14.

The fourth and final false and libelous instance of Defendant Fatherree reporting that Petitioner was burning occurred in Paragraph 16 of Defendant Fatherree's article when he printed an outright blatant misquote of Petitioner's Councilman, Brook Champagne, to wit:

"You are violating the zoning ordinance," Champagne said. "You are hauling and dumping or burning in a residential area. You have been doing it for a year."#

15.

As clearly reflected in a videotape of the entire discussion of the Ordinance, what Champagne said was that Petitioner could seek a variance, “since you are not going to burn.” Petitioner asserts that is the absolute epitome of irresponsible, biased, and slanted “journalism” for Defendant Fatherree to blatantly misquote Champagne to reference, “or burning” in the quote above when that is not what Champagne said! As clearly reflected by the video, Champagne plainly said that Petitioner was “not” going to “burn.” The repeated falsehoods printed by Defendant Fatherree entailing false claims that Petitioner was burning is nothing short of journalistic malpractice, and it is that malpractice that forms the core basis of this litigation.

16.

Defendant’s libelous reporting inflicted incalculable harm to Petitioner.

17.

Friends and associates approached Petitioner having stated that they’d read the article, to which they were drawn by Petitioner’s picture on prominent display.

18.

Petitioner had to inform each of those individuals as they contacted Petitioner about the article that the claims that Defendant Fatherree made in the article that Petitioner was burning were all blatantly false.

19.

When Petitioner contacted Defendant Fatherree’s editor, Michael Messerly, in an attempt to get Defendant’s employer to correct the libelous material referenced in this Petitioner, Messerly stated to Petitioner, “It just looks like ‘he said, she said’ to me.”

20.

In contrast to Messerly’s assertion that it was a case of “he said, she said,” the only individual even claiming that Petitioner was burning is Defendant Fatherree. Hence, it is actually a case of “he said, he said,” and the only one doing the “saying” is Defendant Fatherree, and his statements made four times in one article are all blatantly false and libelous.

21.

When Petitioner stressed that a video of the entirety of the discussion of the Ordinance, which had been published by blogger Robert Burns of *Sound Off Louisiana*, could be readily provided to Messerly that would readily demonstrate that Defendant Fatherree had falsely reported what was stated in the meeting (including Petitioner stressing on several occasions that he, “has not burned on the property,”) Messerly responded, “I don’t have time to watch a video!”

22.

Beyond the bad image Defendant Fatherree managed to falsely portray regarding Petitioner and the numerous false and libelous claims made that Petitioner was burning entailing impressions made upon the community at large, Defendant Fatherree, through his false and libelous reporting, also managed to sway the President of the Council, Chris Tauzin, into believing Petitioner simply had to be burning notwithstanding the contents of the meeting and on the video of the meeting.

23.

On September 4, 2021, Petitioner sent a text to Keith Baudin, a former candidate for the Louisiana House of Representatives in the District in which Petitioner resides, about the whole episode.

24.

Upon seeing the text Petitioner sent to Buadin, Baudin telephoned St. Martin Parish Council Chairman Chris Tauzin and inquired, “What the heck is going on with Billy Broussard?”

25.

Baudin informed Petitioner that Tauzin responded, “We told Broussard to stop burning. He did not stop burning, so we sued him.”

26.

St. Martin Parish Chairman Tauzin’s statement to Baudin on or about September 4, 2021 demonstrates the fact that a Restraining Order was filed against Petitioner based upon the false portrayal that Defendant Fatherree published in *The Daily Iberian* on Wednesday, August 4, 2021.

27.

On August 19, 2021, only 15 days after Defendant Fatherree published the libelous article in *The Daily Iberian* upon which St. Martin Parish President Chris Tauzin admits served as the basis for justifying the filing of a Restraining Order against Petitioner because of the false and repeated claims that Petitioner was “burning,” St. Martin Parish Government did in fact file a Temporary Restraining Order against Petitioner which was served upon Petitioner days later.

28.

As a result of the Restraining Order and the associated legal fees entailing defending same, Petitioner has suffered considerable financial harm along with severe damage to his reputation and good name as a result of the widespread dissemination of the article authored by Defendant Fatherree and its repeated false claims that Petitioner was “burning,” and the outsized influence that St. Martin Parish Government’s Council Chairman, Chris Tauzin, had (by his admission to Baudin on or around September 4, 2021) in initiating litigation against Petitioner.

29.

Petitioner never observed Defendant Fatherree attending a St. Martin Parish Council meeting prior to August 3, 2021, nor has he observed Defendant Fatherree attending a Council meeting after August 3, 2021.

30.

Given Defendant Fatherree’s lack of attendance at Council meetings (and any reporting thereof), Petitioner asserts that, upon information and belief, he attended that one meeting with the sole purpose of publishing a hit-piece, damning article defaming Petitioner, and that is exactly what he did.

31.

Defendant Wick Communications Company is liable unto Petitioner under the doctrine of Respondeat Superior.

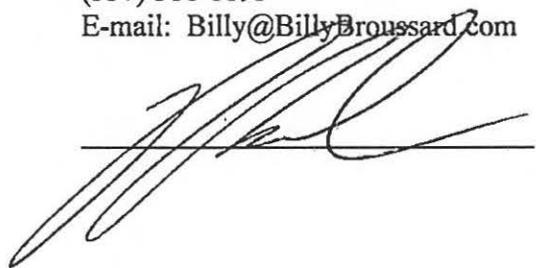
32.

Petitioner is entitled to and does in fact seek a trial by jury since the amount in controversy exceeds \$10,000.

WHEREFORE, petitioner, BILLY BROUSSARD, prays that Defendants, DEWAYNE FATHERREE and WILKS COMMUNICATIONS COMPANY be duly served with a copy of this petition, and cited to appear and answer same and, after all legal delays and due proceedings had, there be a judgment herein in favor of petitioner, BILLY BROUSSARD, and against defendants, DEWAYNE FATHERREE and WILK COMMUNICATIONS awarding him all damages for the prosecution of this action, including costs associated with the action and for any and all other relief, legal or equitable, which may be available under the premise of this cause.

Respectfully Submitted,

Billy Broussard
1307 South Main
Breux Bride, LA 70517
(337) 316-6193
E-mail: Billy@BillyBroussard.com



PLEASE SERVE:

**DWAYNE FATHERREE
124 E MAIN STREET
NEW IBERIA, LOUISIANA 70560**

**WILK COMMUNICATIONS COMPANY, Through Louisiana's Long-Arm Statute
Through It's Designated Agent for Service of Process**

**CORPORATION SERVICE COMPANY
8825 N 23RD AVENUE, SUITE 100, PHOENIX, ARIZONA 85021**

RECEIVED AND FILED
2022 JUL 21 AM 11:31
Kristie Dize
DEPUTY CLERK OF COURT
ST. MARTIN PARISH

A TRUE COPY
ATTEST *Haven J. Alexander*
DEPUTY CLERK OF COURT

7/17/22, 8:34 AM

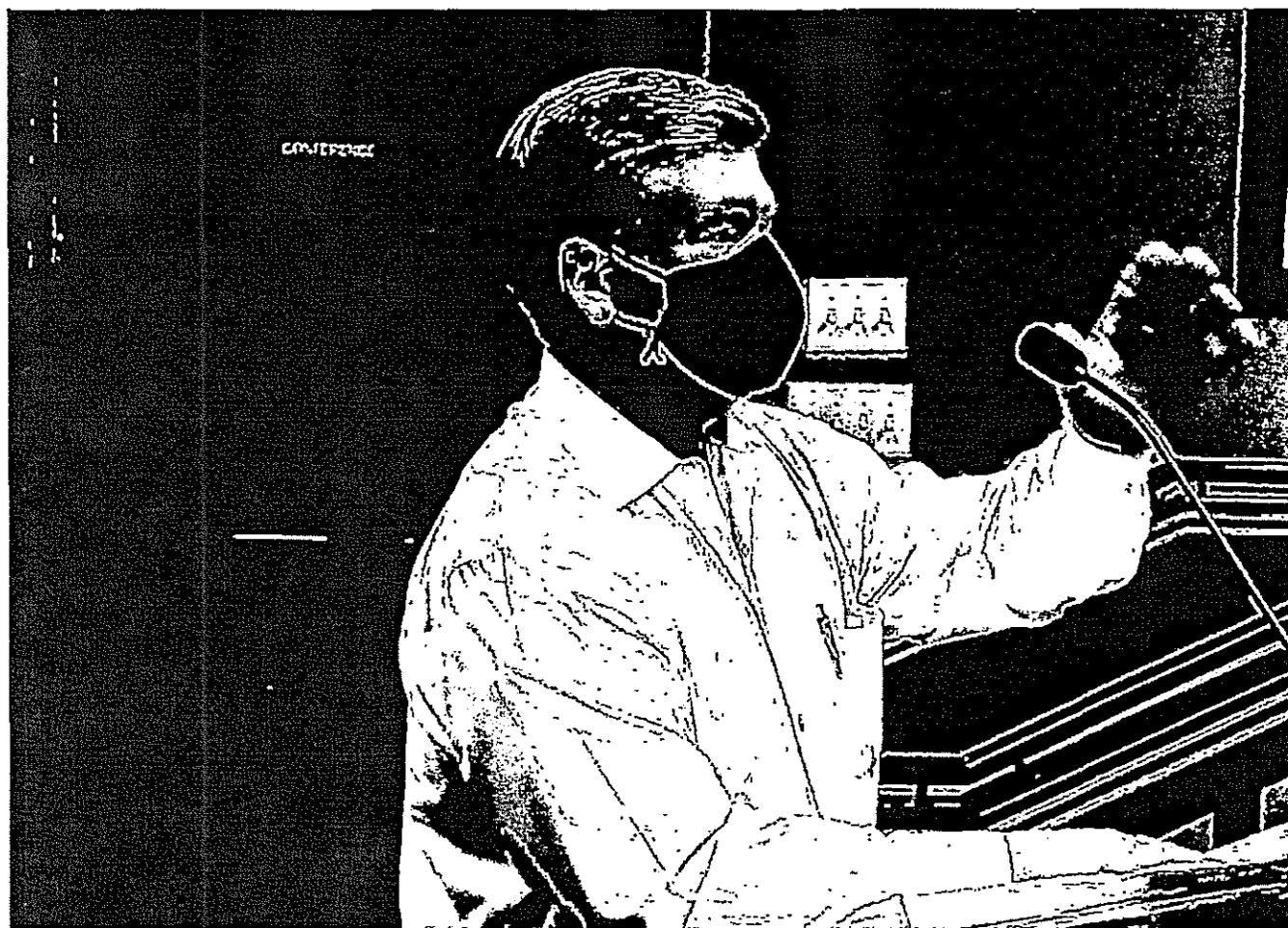
St. Martin council passes ordinance restricting dumping, burning | Local News Stories | thedailyiberian.com

https://www.thedailyiberian.com/news/st-martin-council-passes-ordinance-restricting-dumping-burning/article_df6b3918-f4f4-11eb-a0e1-77bd3b6460e9.html

St. Martin council passes ordinance restricting dumping, burning

DWAYNE FATHERREE dwayne.fatherree@daily-iberian.com

Aug 4, 2021



Local businessman Billy Broussard, who operates a tree trimming service, argued that a new amendment to the St. Martin P ordinance would make it impossible for him to do business at his current location — even though the site in question is zone commercial.

Dwayne Fatherree / The Daily Iberian

P-1

7/17/22, 8:34 AM

St. Martin council passes ordinance restricting dumping, burning | Local News Stories | thedailyiberian.com

ST. MARTINVILLE — The St. Martin Parish Council voted to adopt an ordinance restricting the dumping and burning of tree stumps and yard waste that had been transported into the parish, but not without some pushback.

Billy Broussard, who operates a tree service, said that he was not sure the intent of the ordinance was clear enough to prevent future councils from enforcing it more harshly.

“What was the intent?” Broussard asked rhetorically. “What were they trying to accomplish? If I want to bring my trimmings to a place in St. Martin Parish, where do I bring it to?”

Broussard had bought a property in November that he was using to dump and burn material from his business. Neighbors complained, which brought parish regulators into the picture. Because the property is zoned for multifamily residential use, commercial activity like disposing of trash and waste from Broussard’s tree trimming business was not allowed.

Later, when parish officials learned that not only was Broussard burning his own leavings but was also accepting dumps of material from other contractors, the parish began working on an ordinance to prevent the practice overall.

Broussard insisted that he had improved property values in the area when he cleaned up the property. He also denied any commercial use of the property, saying he never accepted any money for dumping or burning at the site.

Broussard went well over his five-minute time limit in presenting his defense. When he finished, Parish President Chester Cedars launched into a searing, excruciatingly detailed dismembering of Broussard’s arguments, including a timeline, in many cases down to the minute, of the interactions between Broussard and the parish.

“First off, the issues with Mr. Broussard’s property is twofold,” Cedars began. “One is if this ordinance is passed. Two is that he is using it as part of his business endeavors. It’s zoned multifamily residential. He’s been told that. He was told that last year.”

Cedars said complaints began arriving after Broussard bought the property in September. He began bringing tree trunks and vegetation to the lot, first to dump, then to burn

7/17/22, 8:34 AM

St. Martin council passes ordinance restricting dumping, burning | Local News Stories | thedailyiberian.com

"Complaints were made, and they were investigated," Cedars said. "There is an email in that file to Mr. Broussard which states the parish government has received complaints. Parish government spoke to you by telephone and informed you that your property is zoned mixed residential. That zoning classification does not allow burning or dumping at any time without rezoning."

Cedars went through many other incidents, detailing the conflicting and changing stories Broussard had offered for his use of the property, including his intent to create a mushroom farm and that the activity on the site was part of some research. At the end, he repeated that, even without the new ordinance, Broussard could not legally continue with the activity on his lot without seeking and securing a rezoning.

"You have to go through the process," Cedars said. "To pause in the process, you have no rule. To pause in the process, you play politics."

When Cedars finished, Broussard began to remunerate his complaints when Council Chairman Chris Tauzin stopped him.

"We are not here to talk about issues at your property," Tauzin said. "We are here to consider an ordinance that affects the whole parish."

Broussard tried to continue, but District 6 Councilman Brook Champagne interceded.

"You are violating the zoning ordinance," Champagne said. "You are hauling and dumping or burning in a residential area. You have been doing it for a year."

"I wish I could talk to you, but I can't," Broussard told Champagne. "My attorney told me not to."

The council eventually passed the new ordinance in a 7-0 vote, with District 4 Councilman David Poirier abstaining and District 7 Councilman Byron Fuselier absent.

Dwayne Fatherree is the community editor for The Daily Iberian. He can be reached at dwayne.fatherree@daily-iberian.com.

CITATION

BROUSSARD, BILLY

Versus

FATHERREE, DWAYNE - ET AL



Case: 091869
Division: B
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:

WICK COMMUNICATIONS COMPANY
THROUGH LOUISIANA'S LONG ARM STATUTE
THROUGH IT'S DESIGNATED AGENT FOR SERVICE OF PROCESS
CORPORATION SERVICE COMPANY
8825 N. 23RD AVE., SUITE 100
PHOENIX, ARIZONA 85021

THROUGH LOUISIANA'S LONG ARM STATUTE

You are hereby summoned to comply with the demand contained in the PETITION FOR DAMAGES FOR LIBEL of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish of St. Martin, State of Louisiana, within Thirty (30) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this 22nd day of JULY, 2022.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Kristie Prejean

Deputy Clerk of Court

REQUESTED BY:
BILLY BROUSSARD
IN PROPER PERSON

Service Information

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ served the above named party as follows:

Personal Service on the party herein named _____
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of _____, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of _____ this _____ day of _____, 20____.

Service \$ _____

Mileage \$ _____

Total \$ _____

By: _____
Deputy Sheriff

[RETURN]

CITATION

BROUSSARD, BILLY

Versus

FATHERREE, DWAYNE - ET AL



Case: 091869
Division: B
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:
WICK COMMUNICATIONS COMPANY
THROUGH LOUISIANA'S LONG ARM STATUTE
THROUGH IT'S DESIGNATED AGENT FOR SERVICE OF PROCESS
CORPORATION SERVICE COMPANY
8825 N. 23RD AVE., SUITE 100
PHOENIX, ARIZONA 85021

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You are hereby summoned to comply with the demand contained in the PETITION FOR DAMAGES
FOR LIBEL of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an
appearance, either by filing a pleading or otherwise, in the 16th Judicial District Court in and for the Parish
of St. Martin, State of Louisiana, within Thirty (30) days after the service hereof, under penalty of default.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE AT ST. MARTINVILLE, LOUISIANA, on this
22nd day of JULY, 2022.

BECKY P. PATIN
Clerk of the 16th Judicial District Court for
St. Martin Parish, Louisiana

BY: Kristie Prejean
Deputy Clerk of Court

REQUESTED BY:
BILLY BROUSSARD
IN PROPER PERSON

Service Information

Received on the ___ day of ___, 20___ and on the ___ day of
___, 20___ served the above named party as follows:

Personal Service on the party herein named ___
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of
___, a person apparently over the age of seventeen years, living and
residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said
person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of ___ this ___ day of ___, 20___.

Service \$ ___

Mileage \$ ___

Total \$ ___

By: ___
Deputy Sheriff

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Wilk Communications
 Company
 8825 N 23rd Ave, Suite 100
 Phoenix, Arizona 85021



9590 9402 7279 1284 5016 08

2. Article

7021 2720 0001 3234 1667

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

7-28-22

D. Is delivery address different from item 1? If YES, enter delivery address below:

Yes

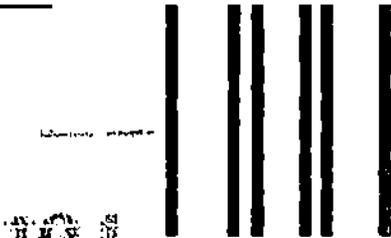
No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation
- Signature Confirmation Restricted Delivery

sted Delivery



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7279 1284 5016 08

United States
Postal Service

RECEIVED AND FILED

2022 AUG 11 PM 8:26

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

• Sender: Please print your name, address, and ZIP+4® in this box •

Billy Bronssard
1307 S. Main
Breaux Bridge LA
70517



AFFIDAVIT OF BILLY BROUSSARD

STATE OF LOUISIANA

PARISH OF ST MARTIN

FILE

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified, in and for the aforesaid Parish and State, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared,

BILLY BROUSSARD

who, after being first duly sworn by me, did depose and state:

That he is a resident of St. Martin Parish.

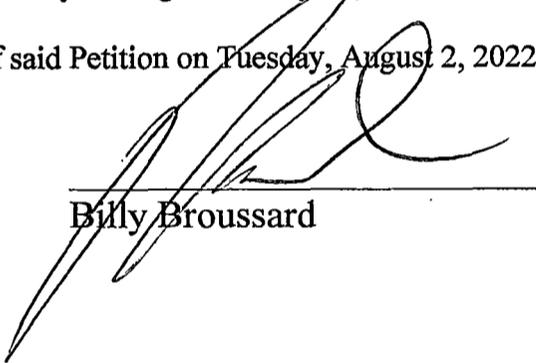
That he filed a Cause of Action against Wick Communications alleging libel with the St. Martin Parish Clerk of Court on July 21, 2022, with said Petition bearing Docket # 91869.

That officials with the St. Martin Parish Clerk of Court provided him with a packet for effectuating service upon Wick Communications through its Agent for Service of Process, Corporation Service Company, 8825 N 23rd Avenue, Phoenix, Arizona, 85021, via Louisiana's Long Arm Statute.

That he mailed a certified true copy of said Petition to Wick Communications' Agent for Service of Process via Certified Mail, and that copy was received and signed for by said agent on July 28, 2022.

That he received his receipt for the certified mailing of said Petition on Tuesday, August 2, 2022.

WITNESSES:

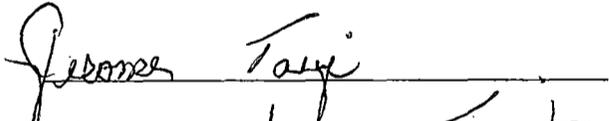


Billy Broussard



Printed Name: Preston J. LeBlanc

The Undersigned Notary is attesting to signatures only and not to content of documents.

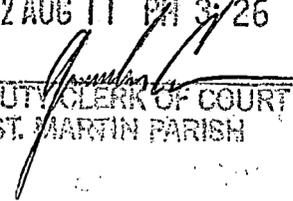


Printed Name: Jerome Tanyi



NOTARY PUBLIC #
MY COMMISSION EXPIRES upon with file **AUDREY F. SEARLES**
Notary ID 62427

1307 South Main, Breaux Bridge, LA 70517-5403
Phone: 337-233-2442 | Cell: 337-316-6193 | www.BillyBroussard.com | Billy@BillyBroussard.com

RECEIVED AND FILED
2022 AUG 11 PM 3:26

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

IBERIA PARISH SHERIFF'S OFFICE

NEW IBERIA, LA

Name Dwayne Fathence Case No. 091869

ADDRESS:

- Moved to new address _____
- Moved – Address Unknown _____
- Post Office Box: Need Physical Address
- Not Known at this address
- Need: Trailer Number – Lot Number – Apartment Number
- No Such Address
- This address NOT in our Parish: address in _____ Parish

OTHER:

- Avoiding Service
- Not in Jail
- Unable to Locate
- Unable to Serve
- Numerous Attempts Made – No Response
- Need Name of Person to serve
- District Attorney recalled
- In the Armed Forces/Military
- Hospitalized/Deceased
- Received too late for service
- Stop Service per Clerk/Attorney
- No Longer Employed per employer
- Comments or other reasons for not serving:

7-26-22 @ 10:14
Date

Joseph C. Noah III
RECEIVED AND FILED 611
Deputy Sheriff
AUG - 2 2022

CITATION FOR PETITION

BROUSSARD, BILLY

Versus

FATHERREE, DWAYNE - ET AL



Case: 091869
Division: B
16th Judicial District Court
Parish of St. Martin
State of Louisiana

To: DWAYNE FATHERREE
124 E. MAIN STREET
NEW IBERIA, LA 70560

You are named as a defendant in the above captioned matter. Attached to this citation is a:

- Certified Copy of Original Petition For Damages For Libel
Certified Copy of Amended Petition
Discovery Request

You must either comply with the demand contained in the petition or make an appearance either by filing an answer or other pleading in the 16th Judicial District Court located at 415 Saint Martin St, Saint Martinville, LA 70582 within the delay provided in Article 1001 of the Louisiana Code of Civil Procedure under penalty of default.

Article 1151 of the Louisiana Code of Civil Procedure provides in pertinent part:

A defendant shall plead in response to an Amended Petition within the time remaining for pleading to the Original Pleading or with ten (10) days after service of the Amended Petition, whichever period is longer, unless the time is extended under Article 1001.

Article 1001 of the Louisiana Code of Civil Procedure states:

- A. A defendant shall file his answer within twenty-one (21) days after service of Citation upon him, except as otherwise provided by law. If the plaintiff files and serves a Discovery Request with his Petition, the defendant shall file his answer to the petition within thirty (30) days after service of the amended petition.
B. When an Exception is filed prior to Answer and is overruled or referred to the merits, or is sustained and an Amendment of the Petition ordered, the Answer shall be filed within fifteen (15) days after the exception is overruled or referred to the merits, or fifteen (15) days after service of the Amended Petition.
C. The Court may grant additional time for answering.

THE CLERK OF COURT'S STAFF CANNOT PROVIDE LEGAL ADVICE.

This Citation was issued by the Clerk for the Court for the 16th Judicial District Court, Parish of St. Martin, on the 22nd day of JULY, 2022.

Kristie Prejean

Deputy Clerk of Court

Requested by Attorney:
BILLY BROUSSARD
IN PROPER PERSON

Service Information

Received on the ___ day of ___, 20___ and on the ___ day of ___, 20___
served the above-named party as follows:

Personal Service on the party herein named ___
Domiciliary Service or Departmental Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of ___, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of ___ this ___ day of ___, 20___.

Service \$ ___
Milcage \$ ___
Total \$ ___

By: ___ Deputy Sheriff

NO SERVICE
\$35 PER SERVICE
\$20 EACH ADD. SERVICE

RECEIVED AND FILED

AUG - 2 2022

[RETURN]

DEPUTY CLERK OF COURT
ST. MARTIN, PARISH

IPSO CIVIL DEPT.
JUL 25 2022 PM 1:43

10:14

Moved

NOTICE OF UNSERVED PAPERS

BROUSSARD, BILLY

Versus

FATHERREE, DWAYNE - ET AL



Case: 091869
Division: B
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:
BILLY BROUSSARD
1307 SOUTH MAIN
BREAUX BRIDGE, LA 70517

Party not served: Dwayne Fatherree

Reason: Moved, address unknown.

Issued by the Clerk of Court on the 2nd day of August, 2022.

Harren J. Alexander
Deputy Clerk of Court

AFFIDAVIT OF BILLY BROUSSARD

STATE OF LOUISIANA

PARISH OF ST MARTIN

FILE

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified, in and for the aforesaid Parish and State, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared,

BILLY BROUSSARD

who, after being first duly sworn by me, did depose and state:

That he is a resident of St. Martin Parish.

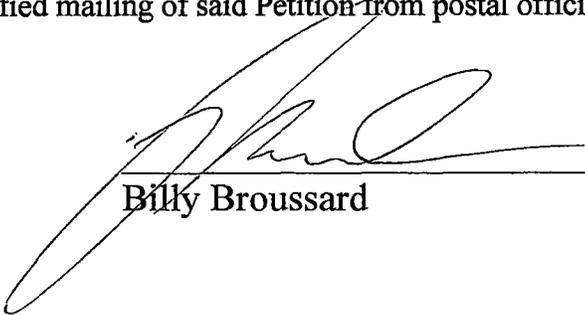
That he filed a Cause of Action against Dwayne Fatherree alleging libel with the St. Martin Parish Clerk of Court on July 21, 2022, with said Petition bearing Docket # 91869.

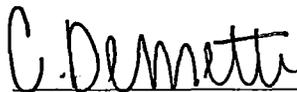
That officials with St. Martin Parish Clerk of Court provided him a packet for serving Dwayne Fatherree at 400 Washington Avenue, Montgomery, Alabama 36104 via Louisiana's Long Arm Statute.

That he mailed a certified true copy of said Petition to Dwayne Fatherree via Certified Mail, and that copy was received and signed for on August 17, 2022 at 6:10 a.m.

That he received his electronic receipt for the certified mailing of said Petition from postal officials on or about September 2, 2022.

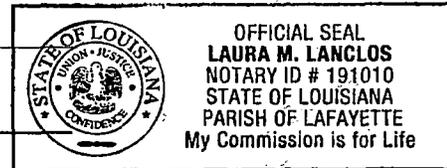
WITNESSES:

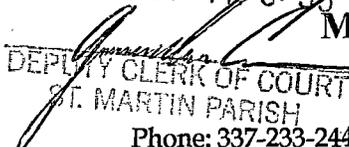

Billy Broussard


Printed Name: Courtney Demette


Printed Name: Paula Landry

RECEIVED AND FILED
2022 SEP 27 PM 3:33
NOTARY PUBLIC # 191010
MY COMMISSION EXPIRES Life




DEPUTY CLERK OF COURT
ST. MARTIN PARISH

Product Tracking & Reporting



Home Search Reports Manual Entry Rates/Commitments PTR / EDW USPS Corporate Accounts August 31, 2022

USPS Tracking Intranet Delivery Signature and Address

Tracking Number: 7021 0950 0000 0291 9049

This item was delivered on 08/17/2022 at 06:10:00

[Return to Tracking Number View](#)

Signature	nature	JB
	X	
Address	Printed name	Johnathan Matthe
	Delivery address	P.O. Box 548 / Box 2390

Enter up to 35 items separated by commas.

Select Search Type:

Product Tracking & Reporting, All Rights Reserved
Version: 22.4.2.0.47

BILLY BROUSSARD
1307 S MAIN
BREAUX BRIDGE LA 70517
BILLY@BILLYBROUSSARD.COM

November 21, 2022

CORPORATION SERVICE COMPANY
8825 N 23RD AVENUE, SUITE 100, PHOENIX, AZ 85021

Greetings:

Please be advised that, through this certified letter, and in conformity with LA CCP 1702 as amended by Act # 174 of the 2021 Regular Session of the Louisiana Legislature, entailing the following litigation pending in the 16th JDC of the State of Louisiana:

BILLY BROUSSARD

NUMBER 91869 DOCKET: "B"

16TH JUDICIAL DISTRICT COURT

VERSUS

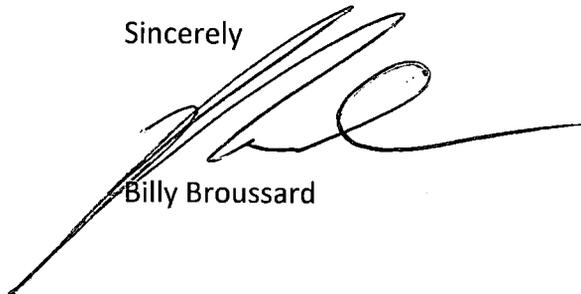
PARISH OF ST MARTIN

DWAYNE FATHERREE,
WICK COMMUNICATIONS COMPANY

STATE OF LOUISIANA

For which you have to date file no responsive pleadings despite having been served via Louisiana's Long-Arm Statute and the required timeframe for responding having long since passed, if you fail to file responsive pleadings by Friday, December 16, 2022 at noon, I will be filing for a default judgment against you.

Sincerely



Billy Broussard

Bill Brassard

1307 Main

Breaux Bridge LA 70517



RDC 99



85021



Corporation Service Company
 8825 N 23rd Ave Ste 100
 Phoenix AZ 85021

U.S. POSTAGE PAID
 FCM LETTER
 SAINT MARTINVILLE, LA
 70582
 NOV 21 22
 AMOUNT
\$7.85
 R2301D155604-22

85021-414825



FILE

Response to petition of Billy Broussard
Number 91869, Docket B
16th Judicial District Court
Parish of St. Martin
State of Louisiana

In response to Mr. Broussard's statements:

1. Mr. Fatherree has no knowledge of this paragraph.
2. Mr. Fatherree accepts this paragraph.
3. Mr. Fatherree denies this paragraph.
4. Mr. Fatherree accepts this paragraph.
5. Mr. Fatherree denies this paragraph.
6. Mr. Fatherree denies this paragraph.
7. Mr. Fatherree denies this paragraph.
8. Mr. Fatherree denies this paragraph.
9. Mr. Fatherree denies this paragraph.
10. Mr. Fatherree denies this paragraph.
11. Mr. Fatherree denies this paragraph.
12. Mr. Fatherree denies this paragraph.
13. Mr. Fatherree denies this paragraph.
14. Mr. Fatherree denies this paragraph.
15. Mr. Fatherree denies this paragraph.
16. Mr. Fatherree denies this paragraph.
17. Mr. Fatherree has no knowledge of this paragraph.
18. Mr. Fatherree has no knowledge of this paragraph.
19. Mr. Fatherree has no knowledge of this paragraph.
20. Mr. Fatherree denies this paragraph.
21. Mr. Fatherree has no knowledge of this paragraph.
22. Mr. Fatherree has no knowledge of this paragraph.
23. Mr. Fatherree has no knowledge of this paragraph.
24. Mr. Fatherree has no knowledge of this paragraph.
25. Mr. Fatherree has no knowledge of this paragraph.
26. Mr. Fatherree has no knowledge of this paragraph.
27. Mr. Fatherree has no knowledge of this paragraph.
28. Mr. Fatherree has no knowledge of this paragraph.
29. Mr. Fatherree denies this paragraph.
30. Mr. Fatherree denies this paragraph.
31. Mr. Fatherree has no knowledge of this paragraph.
32. Mr. Fatherree has no knowledge of this paragraph.

Sincerely,
Dwayne J. Fatherree
12/21/2022

RECEIVED AND FILED
 2023 JAN -3 AM 10: 01
Hristie Pujer
 DEPUTY CLERK OF COURT
 ST. MARTIN PARISH

CERTIFICATE

BILLY BROUSSARD

STATE OF LOUISIANA

Vs. NO. 91869-B

16th JUDICIAL DISTRICT COURT

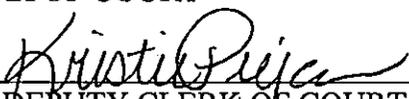
DWAYNE FATHERREE

PARISH OF ST. MARTIN

THIS IS TO CERTIFY that on JANUARY 9, 2023, Notice of the signing of the ANSWER in this case was mailed to all parties and/or counsel interested therein.

WITNESS my hand at St. Martinville, Louisiana, on JANUARY 9, 2023.

CLERK OF COURT

BY: 
DEPUTY CLERK OF COURT

BILLY BROUSSARD
1307 SOUTH MAIN
BREAUX BRIDGE, LA 70517

BILLY BROUSSARD

NUMBER 91869 DOCKET: "B"

16TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST MARTIN

FILE

DWAYNE FATHERREE,
WICK COMMUNICATIONS COMPANY

STATE OF LOUISIANA

**WRITTEN REASONS FOR ISSUANCE OF DEFAULT JUDGMENT AND
DEFAULT JUDGMENT**

NOW UNTO COURT comes Petitioner, Billy Broussard, in proper person, who files these Written Reasons for Issuance of Default Judgment and Default Judgment against the above-named Defendant, WICK COMMUNICATIONS COMPANY, pursuant to LA CCP 1702 as amended by Act # 174 of the 2021 Regular Louisiana Legislative Session. With respect to same, Plaintiff does hereby allege, espouse, attest, and state as follows, to wit:

1.

That he filed suit against Defendant, WICK COMMUNICATIONS COMPANY for Defamation on July 21, 2022.

2.

An Affidavit of Service upon Defendant WICK COMMUNICATIONS COMPANY through Louisiana's Long Arm Statute was filed into the Court record on August 11, 2022.

3.

An Affidavit of Service upon Defendant Dwayne Fatherree through Louisiana's Long Arm Statute was filed into the Court record on September 27, 2022.

4.

In addition to serving Defendant, WICK COMMUNICATIONS COMPANY, via Louisiana's Long-Arm Statute, Plaintiff also notified one of the primary principals, FRANCIS WICK, listed on Defendant, WICK COMMUNICATIONS', website of the lawsuit via email. Additionally, Plaintiff sent several follow-up emails to FRANCIS WICK containing direct links to features on the video blog *Sound Off Louisiana* with said features either directly pertaining Plaintiff's lawsuit against Defendant, WICK COMMUNICATIONS COMPANY (including a direct link to view and/or download a copy of the lawsuit on the initial email sent on July 26, 2022 at 5:02 p.m.), or further

fallout from the lawsuit. Those emails to FRANCIS WICK are attached hereto and made a part hereof as Exhibit "A." Plaintiff never received any communication back from FRANCIS WICK entailing the lawsuit filed against Defendant WICK COMMUNICATIONS COMPANY.

5.

Upon Defendant WICK COMMUNICATIONS COMPANY having failed to file responsive pleadings, Plaintiff, in conformity with LA CCP 1702 as amended by Act # 174 of the 2021 Louisiana Regular Session of the Louisiana Legislature, sent a certified letter dated November 21, 2022 indicating that, if responsive pleadings were not filed by Friday, December 16, 2022 at noon, Plaintiff would file a Default Judgment against Defendant WICK COMMUNICATIONS COMPANY.

6.

Plaintiff received his certified return receipt indicating that service was perfected upon Defendant WICK COMMUNICATIONS COMPANY with Defendant's Agent for Service of Process signing the receipt on November 28, 2022. A copy of the certified letter, along with the return receipt for that letter is attached hereto and made a part hereof as "Exhibit B."

7.

As a result of Defendant, WICK COMMUNICATIONS COMPANY, having failed to file responsive pleadings to this litigation as of January 12, 2023, Plaintiff submits to this Honorable Court this Written Reasons for Default Judgment and Default Judgment in the amount of \$287,163.75.

8.

Plaintiff submits as the basis for this \$287,163.75 Default Judgment a detailed itemization of jobs Plaintiff attests to this Honorable Court that Plaintiff lost bids on as a result of the defamatory article published by Defendant WICK COMMUNICATIONS COMPANY on or around August 4, 2021 previously filed into the record as Exhibit P-1 accompanying the original Petition of July 21, 2022. This detailed itemization is attached hereto and made a part hereof as Exhibit "C."

9.

Plaintiff was forced to raise his bid amounts on the jobs referenced in Paragraph 8 and as itemized in Exhibit "C" as a direct result of Defendant's defamatory and blatantly false accusations contained in that article entailing Plaintiff "burning," which formed the basis for an improper (and likely illegal) Restraining Order to be issued against Plaintiff. Additionally, as evidenced by certain jobs itemized in Exhibit "C," for which the extended amounts are zero, Plaintiff knew the jobs were simply too small for him to be able to submit a bid to include the added and unnecessary hauling costs for Plaintiff to have any shot whatsoever at obtaining those jobs.

10.

Plaintiff includes only jobs for March 3, 2022 onward, the date upon which a second Restraining Order was placed upon Plaintiff again resulting from Defendant WICK COMMUNICATIONS COMPANY'S blatantly false emphatic publications that Plaintiff was "burning" when Plaintiff engaged in no such activity, nor did anyone, other than Defendant Dwayne Fatherree and Defendant, WICK COMMUNICATIONS COMPANY, through their defamatory publication, ever assert that Plaintiff was "burning."

11.

Plaintiff includes (as Exhibit "C") a highly detailed itemization of jobs lost as a result of Plaintiff being forced to increase the otherwise-applicable bids to offset the added hauling costs which Plaintiff would have incurred were it not for the defamatory publication by Defendant WICK COMMUNICATIONS COMPANY on or around August 4, 2021.

12.

Because the Temporary Restraining Order was permitted to dissolve by operation of law on or around September 21, 2021, Plaintiff includes no jobs bid upon in 2021 during the brief period that Restraining Order was in place.

13.

In arriving at the final amount of the Default Judgment, Plaintiff totaled all of the jobs lost as a result of bids being lost by virtue of increased hauling costs and multiplied

those gross bids by 65%, representing the average profit margin for similar jobs Plaintiff has obtained over his numerous years in the tree service business.

14.

The result of the computations referenced in Paragraph 13 is \$287,163.75, which is the amount of the Default Judgment sought from this Honorable Court as damages Plaintiff has incurred as a direct result of Defendant, WICK COMMUNICATIONS COMPANY'S, acts of defamation in the article published entailing Plaintiff on or around August 4, 2021.#

15.

The detailed computations for the \$287,163.75 Default Judgment are attached hereto and made a part hereof as Exhibit "C."

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that a Default Judgment be entered in the amount of \$287,163.75 in favor of Plaintiff, Billy Broussard, and against Defendant WICK COMMUNICATIONS COMPANY in the full and true sum of Two-Hundred Eight-Seven Thousand One-Hundred Sixty-Three Dollars and Seventy-Five Cents (\$287,163.75).

It is hereby ordered that pursuant to La. C.C.P. 1702(B)(2) that additional evidence in the form of oral testimony be presented to the court on February 28, 2023 at 10:00 am before Judge Suzanne deMaha before any entering of default judgment. as a 10th filing

Suzanne deMaha
Judge Suzanne deMaha

Note to Clear of Court:

Please Notice:

Billy Broussard
1307 South Main
Breux Bridge LA 70517-5403
Wick Communications Company through
Corporation Service Corporation
8825 N 23rd Avenue Suite 100
Phoenix AZ 85021

RECEIVED AND FILED

2023 JAN 12 PM 4: 21

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

AFFIDAVIT OF BILLY BROUSSARD

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified, in and for the aforesaid Parish and State, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared,

BILLY BROUSSARD

who, after being first duly sworn by me, did depose and state:

That he is a resident of St. Martin Parish.

That he filed for a Default Judgment with accompanying Reasons for Default Judgment against WICK COMMUNICATIONS COMPANY in the amount of \$287,163.75 as a result of WICK COMMUNICATIONS COMPANY's failure to file any responsive pleadings pertaining to Billy Broussard v. WICK COMMUNICATIONS COMPANY et. al. entailing his Petition filed with the St. Martin Parish Clerk of Court on July 21, 2022, with said Petition bearing Docket # 91869.

That all of the representations made in the Default Judgment and Reasons for Default Judgment, to include the detailed itemization of jobs lost together with the gross profit margin of those individual jobs, is accurate and correct to the best of his knowledge and belief.

That he conformed with every requirement of which he is aware contained within LA CCP 1702 as amended by Act # 174 of the 2021 Louisiana Regular Session of the Louisiana Legislature, to ensure that Defendant, WICK COMMUNICATIONS COMPANY, had been properly served both with the Petition and with the Notice of Intent to File for Default Judgment.

That he went beyond LA CCP 1702 as amended by Act # 174 of the 2021 Louisiana Regular Session of the Louisiana Legislature to ensure that Defendant, WICK COMMUNICATIONS COMPANY, was aware of the lawsuit filed against him by him having sent a series of emails commencing on July 26, 2022 to one of WICK COMMUNICATIONS COMPANY's principals, Francis Wick, notifying him of the lawsuit, to even include a direct link for viewing and/or downloading a copy of the lawsuit.

That despite his extensive efforts seeking for Defendant, WICK COMMUNICATIONS COMPANY, to file responsive pleadings, as of the date executed on the second page of this document, no such responsive pleadings of any kind have been filed by Defendant, WICK COMMUNICATIONS COMPANY.

AFFIDAVIT OF BILLY BROUSSARD

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

(Continued – Page 2)

WITNESSES:

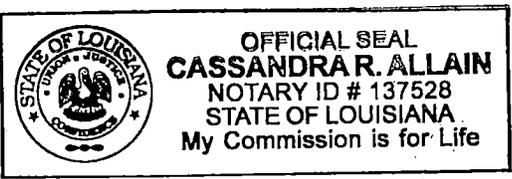
Billy Broussard

Joan B. Lewis
Printed Name: Joan B. Lewis

Joanna Crifosi
Printed Name: Joanna Crifosi

C.R. Allain

NOTARY PUBLIC #137528
MY COMMISSION EXPIRES At Death



RECEIVED AND FILED

2023 JAN 12 PM 4:21

[Signature]
DEPUTY CLERK OF COURT

From: Billy Broussard <billy@billybroussard.com>
Date: August 23, 2022 at 10:40:03 AM CDT
To: francis.wick@wickcommunications.com
Subject: Re: Defamation lawsuit

<https://www.soundoffla.com/mendyg/>

Sent from my iPhone

On Aug 8, 2022, at 4:03 PM, Billy Broussard <billy@billybroussard.com> wrote:

<https://www.soundoffla.com/broussard-must-resort-to-louisianas-long-arm-statute-to-serve-former-daily-iberian-reporter-fatherree-as-he-bolted-to-hate-group-monitoring-southern-poverty-law-center-with-first-feature-lambasting/>

Sent from my iPhone

On Aug 1, 2022, at 8:06 AM, Billy Broussard <billy@billybroussard.com> wrote:

<https://www.soundoffla.com/billy-broussard-cites-smpg-president-cedars-suit-against-trevis-helaire-as-evidence-hauling-ordinance-specifically-targeted-at-broussard-calls-on-someone-with-vision-to-lead-st-martin-parish-o/>

Sent from my iPhone

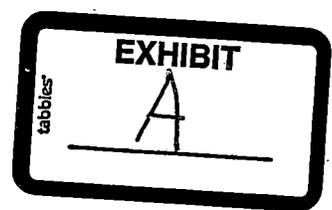
On Jul 26, 2022, at 5:02 PM, Billy Broussard <billy@billybroussard.com> wrote:

<https://www.soundoffla.com/billy-broussard-sues-daily-iberian-for-nothing-short-of-journalistic-malpractice-in-asserting-he-was-burning-on-his-property-claims-st-martin-parish-president-cedars-refuted-any-such-burning-cla/>

If you have any questions don't hesitate to call Billy Broussard 337-316-6193

Sent from my iPhone

RECEIVED AND FILED
2023 JAN 12 PM 1:21
[Signature]
DEPUTY CLERK OF COURT
ST. MARTIN PARISH



BILLY BROUSSARD
1307 S MAIN
BREAUX BRIDGE LA 70517
BILLY@BILLYBROUSSARD.COM

November 21, 2022

CORPORATION SERVICE COMPANY
8825 N 23RD AVENUE, SUITE 100, PHOENIX, AZ 85021

Greetings:

Please be advised that, through this certified letter, and in conformity with LA CCP 1702 as amended by Act # 174 of the 2021 Regular Session of the Louisiana Legislature, entailing the following litigation pending in the 16th JDC of the State of Louisiana:

BILLY BROUSSARD

NUMBER 91869 DOCKET: "B"

16TH JUDICIAL DISTRICT COURT

VERSUS

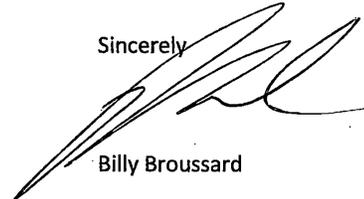
PARISH OF ST MARTIN

DWAYNE FATHERREE,
WICK COMMUNICATIONS COMPANY

STATE OF LOUISIANA

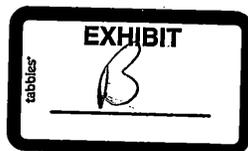
For which you have to date file no responsive pleadings despite having been served via Louisiana's Long-Arm Statute and the required timeframe for responding having long since passed, if you fail to file responsive pleadings by Friday, December 16, 2022 at noon, I will be filing for a default judgment against you.

Sincerely



Billy Broussard

1307 South Main, BreauX Bridge, LA 70517-5403
Phone: 337-233-2442 | Cell: 337-316-6193 | www.BillyBroussard.com | Billy@BillyBroussard.com



USPS TRACKING#

9590 9402 7661 2122 2731 04

United States Postal Service

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

Sender: Please print your name, address, and ZIP+4® in this box®

Bill-1 Brassard
1307 Main
Breaux Bridge LA 70517

7-540307

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature</p> <p><input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) M. VERNON</p> <p>C. Date of Delivery 11/28/22</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Corporation Service Company 8875 N 23rd Ave Ste 500 Phoenix AZ 80521</p> <p>9590 9402 7661 2122 2731 04</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7019 1640 0002 0815 0503</p>	
PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receipt



**2022 Schedule of Jobs Lost From Added Hauling Costs
Resulting from TRO Caused by Defamatory Publication on/around Aug. 4, 2021**

Contact Info on Prospect	Bid Submitted Date	Amount	Gross Profit Factor	Loss
337-552-4450	10/12/22	7,500.00	65%	4,875.00
337-247-4303	10/19/22	5,500.00	65%	3,575.00
337-349-7363	10/26/22	2,600.00	65%	1,690.00
337-909-4744	10/31/22	700.00	85%	595.00
337-552-5432	08/05/22	4,500.00	65%	2,925.00
337-296-7177	11/11/22	3,000.00	65%	1,950.00
337-339-5627	11/05/22	90,000.00	65%	58,500.00
337-591-3921	09/19/22	2,500.00	65%	1,625.00
225-235-3789	09/19/22	2,475.00	65%	1,608.75
337-739-6988 (haul off not needed)	09/21/22	2,400.00	0%	0.00
337-258-4175	09/22/22	10,000.00	65%	6,500.00
337-315-7206	09/23/22	3,500.00	65%	2,275.00
337-849-5635	09/17/22	5,000.00	65%	3,250.00
337-852-4446	10/05/22	5,000.00	65%	3,250.00
832-744-9191	10/10/22	3,000.00	65%	1,950.00
337-441-1890	10/11/22	4,700.00	65%	3,055.00
337-277-3354	08/24/22	3,400.00	65%	2,210.00
337-322-6522	08/25/22	3,200.00	65%	2,080.00
337-658-9253	08/26/22	3,000.00	65%	1,950.00
337-344-3710	08/26/22	2,500.00	65%	1,625.00
337-295-4814	08/30/22	4,800.00	65%	3,120.00
337-303-5808	08/31/22	2,500.00	65%	1,625.00
337-230-7600	09/06/22	3,700.00	65%	2,405.00
337-652-5827	09/06/22	2,600.00	65%	1,690.00
337-739-6092	09/07/22	15,000.00	65%	9,750.00
337-849-8211	08/01/22	5,500.00	65%	3,575.00
337-257-8850	08/09/22	2,700.00	65%	1,755.00
337-315-6001	08/09/22	6,250.00	65%	4,062.50
337-296-8636	08/15/22	4,500.00	65%	2,925.00
337-962-2821	08/16/22	800.00	65%	520.00
337-315-0557	08/19/22	2,050.00	65%	1,332.50
337-316-0050	08/19/22	1,850.00	65%	1,202.50
337-349-0378	08/16/22	18,000.00	65%	11,700.00
337-831-4452	07/13/22	2,600.00	65%	1,690.00
337-339-7151	07/13/22	1,800.00	65%	1,170.00
832-928-4602	07/18/22	8,000.00	65%	5,200.00
337-278-5450	07/18/22	9,000.00	65%	5,850.00
337-520-9906	07/18/22	14,000.00	65%	9,100.00
337-330-6166	07/20/22	11,400.00	65%	7,410.00
337-255-4895	07/20/22	6,500.00	65%	4,225.00
337-298-4193	07/22/22	1,850.00	65%	1,202.50
337-654-603	07/27/22	800.00	65%	520.00
337-356-1959	06/20/22	2,000.00	65%	1,300.00
225-955-1260	06/17/22	2,500.00	65%	1,625.00
337-692-1714	06/22/22	500.00	65%	325.00
337-344-1873	06/28/22	3,500.00	65%	2,275.00
337-852-9759	07/05/22	3,000.00	65%	1,950.00
337-321-1372	07/08/22	2,500.00	65%	1,625.00
337-591-7577	07/08/22	1,250.00	65%	812.50
337-280-2763	05/05/22	2,200.00	65%	1,430.00
337-326-3069	05/05/22	9,500.00	65%	6,175.00
337-201-9105	05/05/22	700.00	65%	455.00
337-258-9409	05/11/22	2,500.00	65%	1,625.00
337-278-8260	05/12/22	7,500.00	65%	4,875.00
337-200-0441	05/20/22	3,400.00	65%	2,210.00
337-354-5451	06/01/22	2,600.00	65%	1,690.00
337-662-7090	06/07/22	6,750.00	65%	4,387.50
337-349-5399	06/07/22	7,500.00	65%	4,875.00
337-298-7459	04/07/22	3,000.00	65%	1,950.00
337-257-0248	04/12/22	3,000.00	65%	1,950.00
337-230-8138	04/11/22	5,800.00	65%	3,770.00
337-654-8716	04/20/22	3,000.00	65%	1,950.00
225-202-2589	04/25/22	0.00	65%	0.00
337-207-5556	04/26/22	7,000.00	65%	4,550.00
337-322-5276	04/23/22	0.00	65%	0.00
337-534-9374	05/04/23	14,800.00	65%	9,620.00
337-242-4477	05/05/23	3,200.00	65%	2,080.00
337-344-5342	03/16/22	6,000.00	65%	3,900.00
504-884-6827	03/28/22	0.00	65%	0.00
337-258-4699	03/30/22	0.00	65%	0.00
337-298-8529	03/24/22	6,000.00	65%	3,900.00
337-207-1908	03/29/22	0.00	65%	0.00
337-308-2230	03/30/23	1,800.00	65%	1,170.00
312-749-3435	04/05/22	17,000.00	65%	11,050.00
337-789-1971	04/07/22	2,100.00	65%	1,365.00
337-233-2442	05/17/22	2,200.00	65%	1,430.00
337-849-3289	05/22/22	7,500.00	65%	4,875.00
337-258-7296	05/26/22	13,000.00	65%	8,450.00
Totals		443,975.00		287,163.75



Exhibit C: Backup Documentation for Computations for Jobs Lost as a Result of Increased Bids for Vegetative Material Haul offs



Yes sir, thank you!

I don't know about you but the trade has really picked up tremendously.

Tue, Apr 10, 11:33 AM

It's about to for us. It doesn't stay warm long enough yet for us to get real busy

Tue, Oct 11, 2:51 PM

You coming now or you thinking another day?

I should be there in about 20 minutes

Ok

I am here

Wed, Oct 12, 7:27 PM

To remove the large water oak not to grind stump \$7,500



Sounds good see you Friday

Thu, Oct 6, 1:35 PM

This is Billy Broussard just checking to see if you are ready to remove that big large water Oak in the front yard yet?

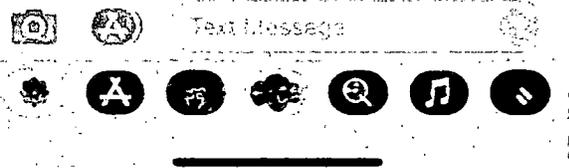
We still want to take it down Bob is in the hospital probably be there for about a week and I still need a price

Understood, I pray Bob gets better and I will get back with you soon.

Thank you sir appreciate your patience

Wed, Oct 19, 12:51 PM

This is Billy Broussard I wanted to give you an estimate for the twin water Oak to remove it not to grind stump would be about \$5,500



8:10

104

+1 (337) 349-7363

tree service I should be by there in about an hour to look at your trees is that OK with you?

It is absolutely OK, but I will be working in your Iberia.

I'm absolutely OK for you to go in the backyard and check it out. It is the big pine tree in the backyard in the back corner.

Mon, Oct 24, 3:10 PM

And you're wanting a price to remove the tree how about the stump?

As an option. Please

Wed, Oct 26, 11:07 AM

Did you get a chance to view the tree to remove at 101 Hillside in Lafayette?

\$2,400 to remove the tree \$200 to grind the stump.

Delivered

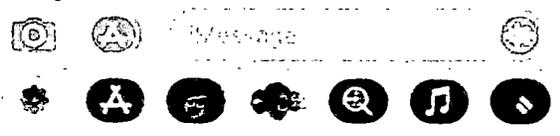
8:11

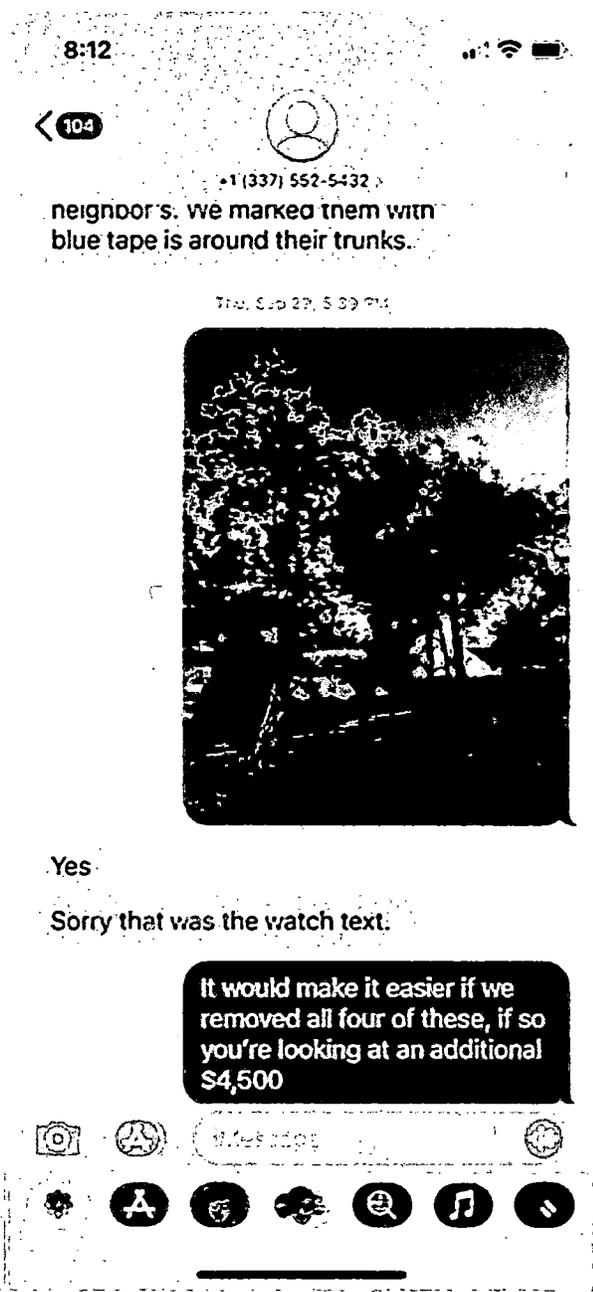
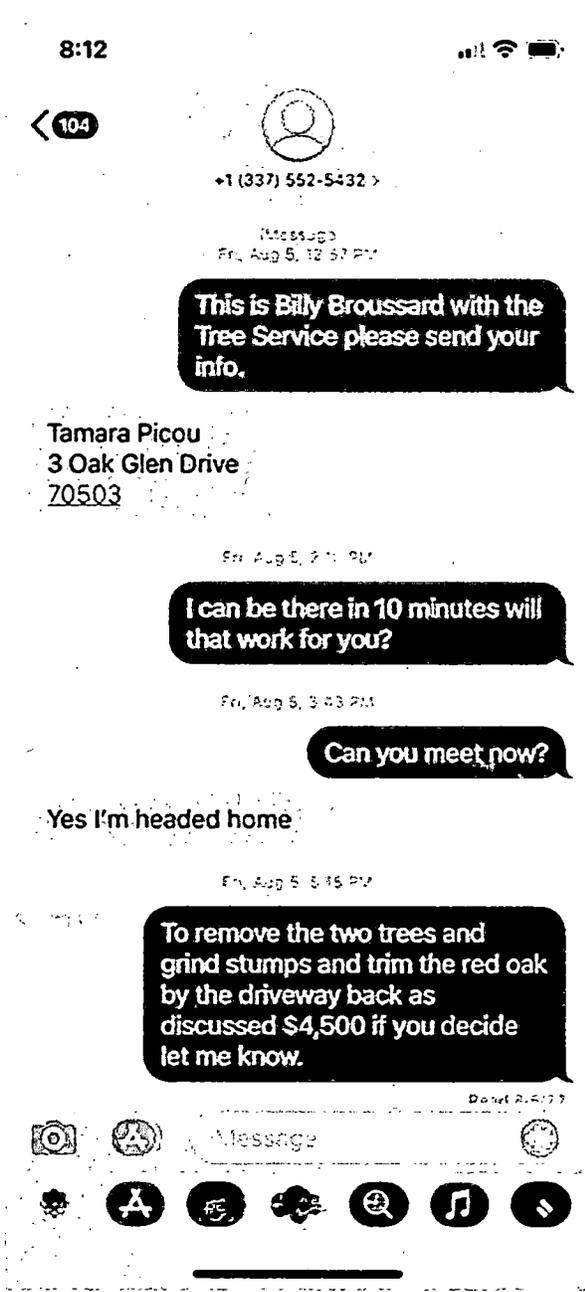
104

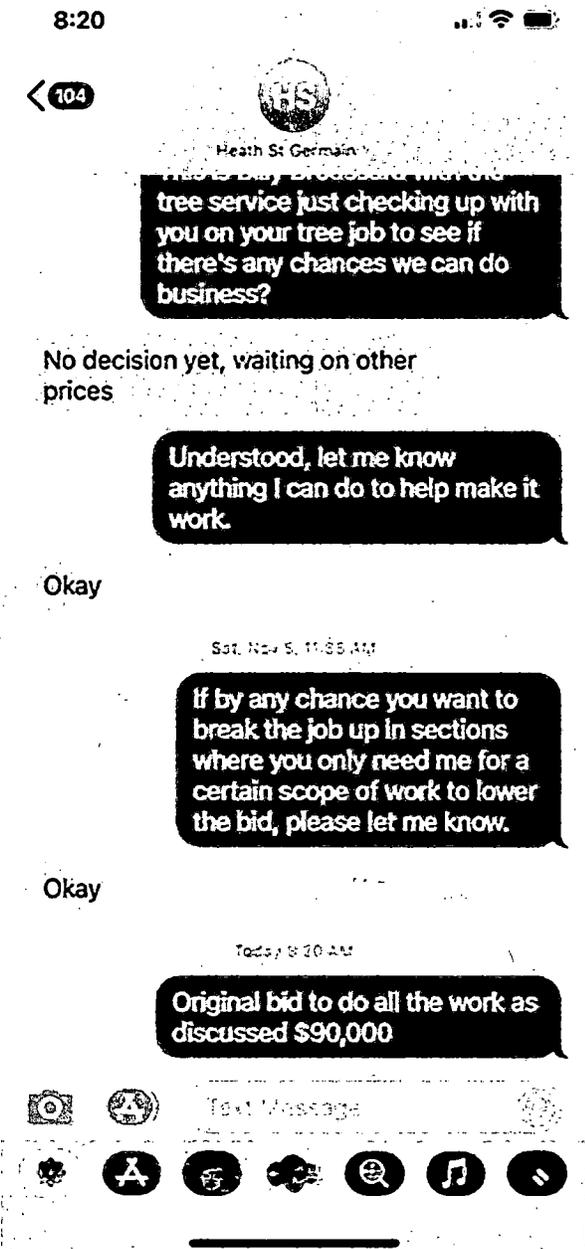
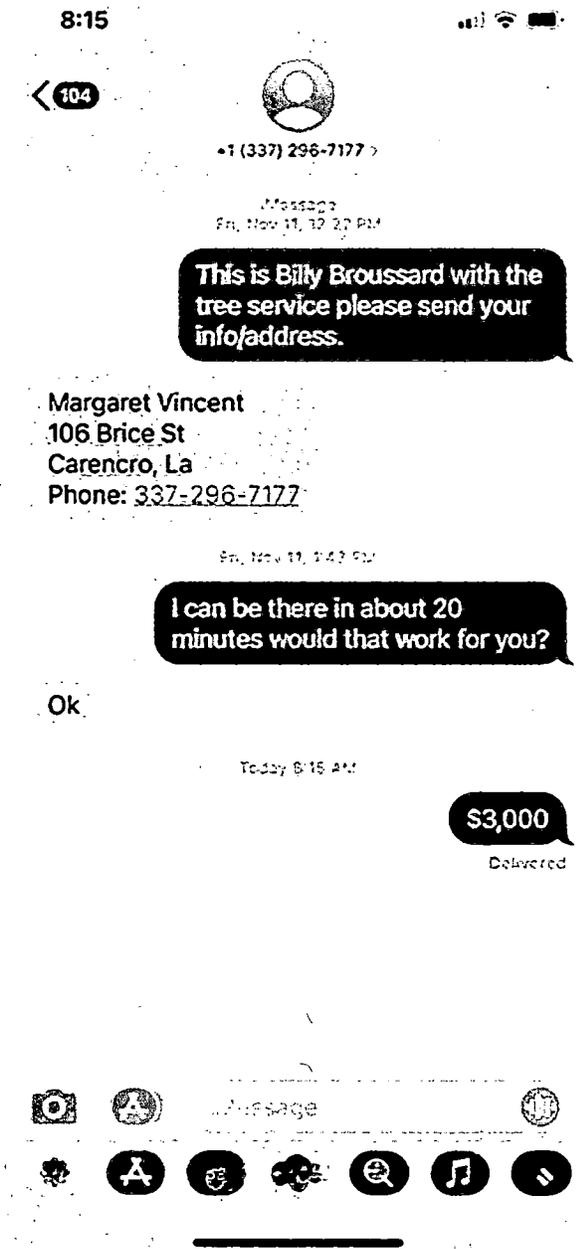
+1 (337) 909-4744

This is Billy Broussard to pick up the debris as discuss would be an estimate of \$700 if you decide let me know.

Delivered







7:56

109

•1 (337) 591-3921

Message
Mon, Sep 19, 11:08 AM

This is Billy Broussard with the Tree Service please send your info

Kathy Gary
3606 Verot School Road
Youngsville, LA 70592

Mon, Sep 19, 1:15 PM

I should be there in about 12 minutes, what is it that I am looking at for you?

To remove the six trees as discussed with access from the neighbors you're looking at \$2,500

I will get back later

Thanks for the opportunity to bid your project.

Read 9/19/22

Message

📷 🗑️ 📎 📧 📧 📧 📧 📧 📧

7:56

109

•1 (225) 235-3789

Message
Mon, Sep 19, 1:02 PM

Billy Broussard with the Tree Service please send your info.

913 la neuville tree is on Helen st on side of yard last pine tree thanks. John Vignes

Remove tree without stump \$2,300

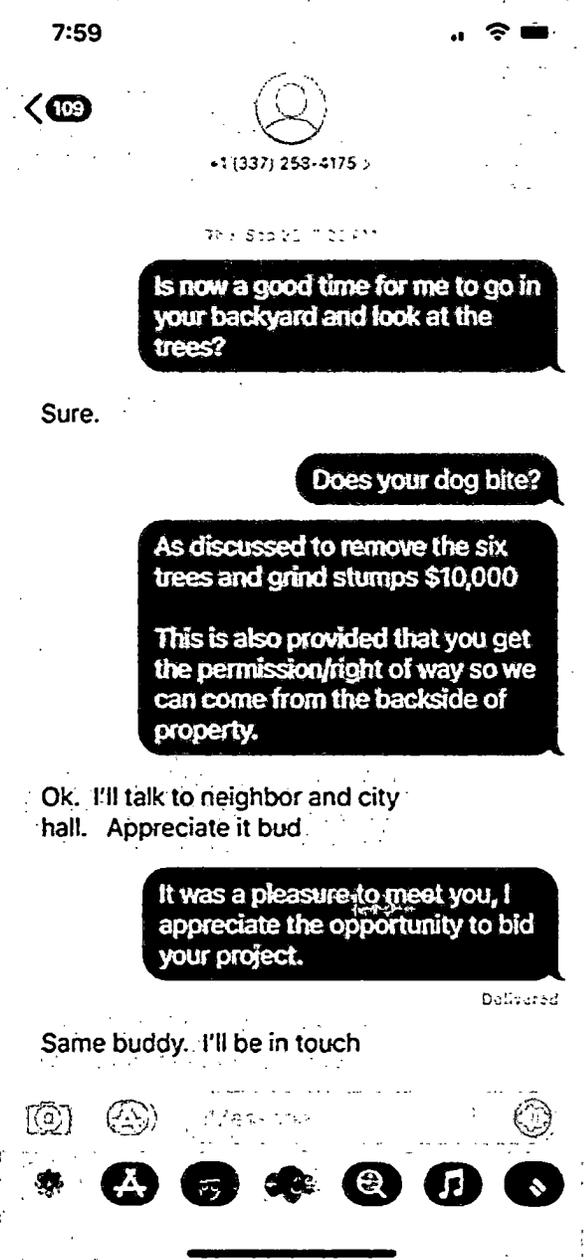
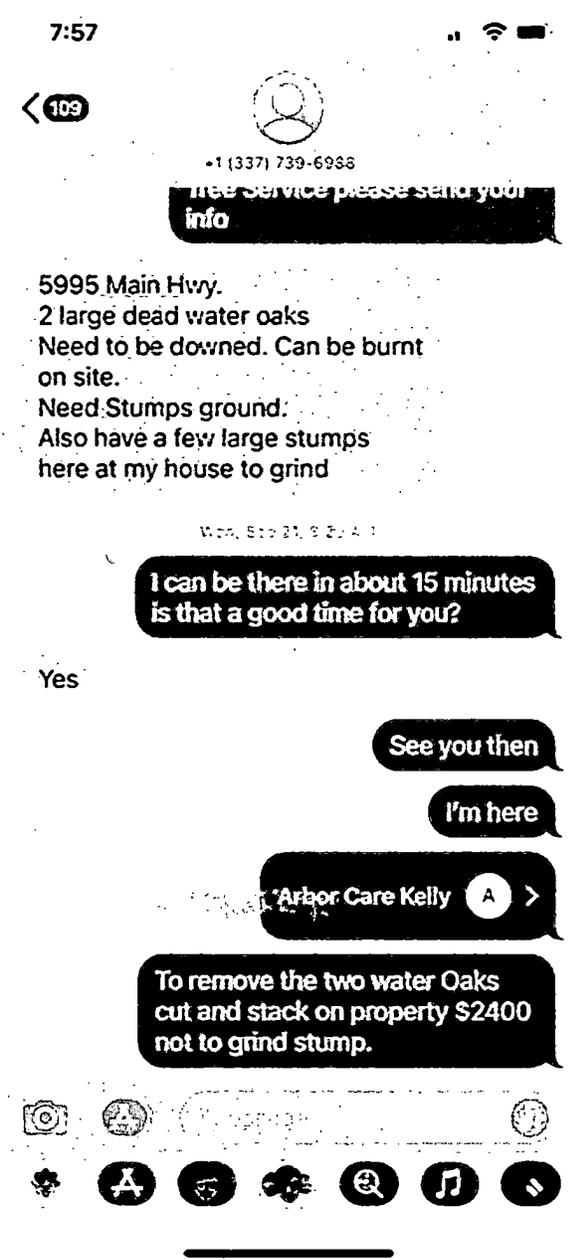
How much more for stump ground:

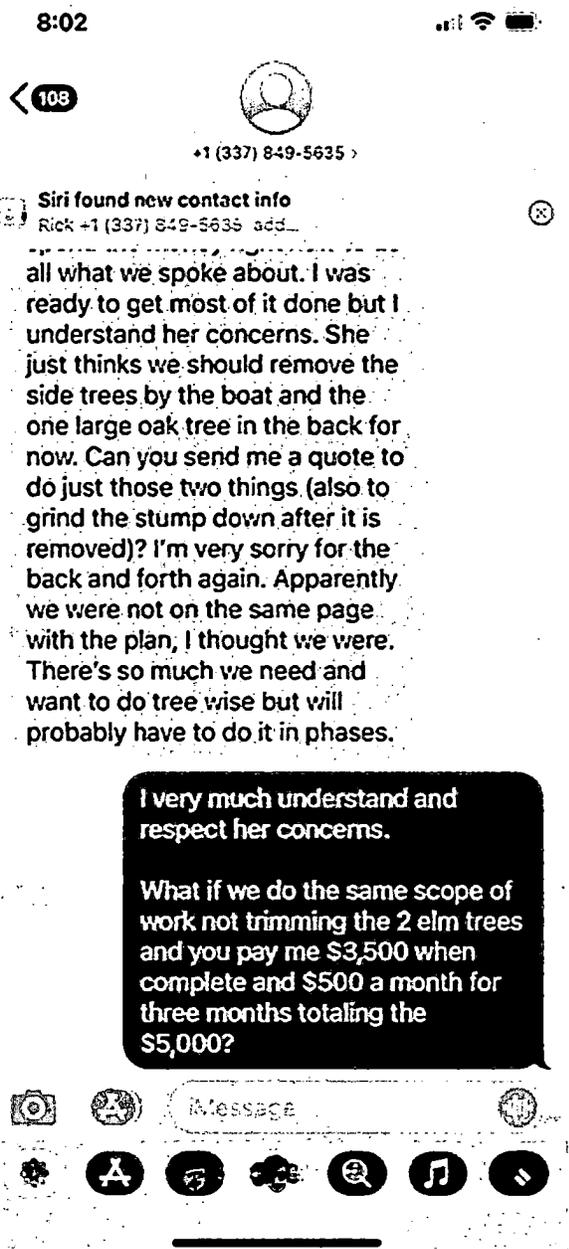
175
Delivered

Ok thank you I will let you know

Message

📷 🗑️ 📎 📧 📧 📧 📧 📧 📧





8:03

108

+1 (337) 852-4446

Text Message
Wed, Oct 5, 12:55 PM

This is Billy Broussard with the Tree Service please text me your info

Message
Wed, Oct 5, 10:24 PM

Joselyn Anderson
704 plaza village dr
Lafayette, La

Text, Oct 5, 11:11 AM

**I am here to look at your trees.
Billy Broussard**

Today 8:03 AM

\$5,000

Delivered

Message

📷 📎 🗑️ 📧 📧 📧 📧 📧 📧

8:05

108

+1 (832) 744-9191

Message
Mon, Oct 10, 4:53 PM

This is Billy Broussard with the Tree Service please text me your info

Mitch and Elonda Andrews. 310
Roosevelt Street Lafayette

Text, Oct 11, 11:29 AM

An estimate to do the tree work as discussed tree trimming removal Stump Grinding \$3,000

Delivered

Message

📷 📎 🗑️ 📧 📧 📧 📧 📧 📧

8:06



< 108



+1 (337) 441-1690

Message
Tue, Oct 11, 12:33 PM

This is Billy Broussard with the Tree Service please send your info.

Allan Clark AC >

Here ya go

Tue, Oct 11, 2:46 PM

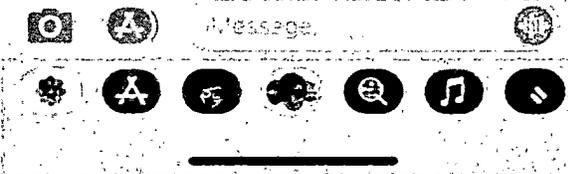
1126-A Anse Broussard Hwy
Breux bridge

Tue, Oct 11, 6:08 PM

To trim the trees as discussed and remove the pecan tree by the bayou cutting it approximately 3 1/2 feet tall \$4,700

Delivered

Thank you



7:48



< 111



+1 (337) 277-3354

Text Message
Tue, Aug 23, 12:40 PM

This is Billy Broussard with the tree service

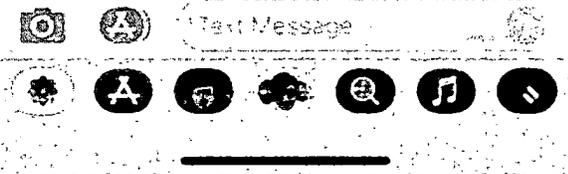
Wed, Aug 24, 12:13 PM

An estimate to remove the large red Oak without grinding stumps leaving the stump about knee-high will be \$3,400

Wed, Aug 24, 1:35 PM

Ok thank you will let you know

Understood, let me know as soon as you'll decide I am sure we can get it taken care of before one of these storms come in.



7:48

< 111

tes sir

+1 (337) 322-6522



To remove the three trees without Stumps \$3200

Billy Broussard *Specializing In*
Companies *Large Tree Removal*
 TREE SERVICE / DEMOLITION
 CRANE SERVICE
 337-233-2442
 OR TEXT TO 337-316-8193
 E-mail * Billy@BillyBroussard.com



Text Message

📷 🗑️ 📎 📧 📞 🔍 🎵 🗑️

7:50

< 111

+1 (337) 658-9253

Share your name and photo?
 Billy Broussard Share



I should be there in 30 minutes

Read 2/20/22

Ok Matt is here in the backyard

Thank you Sir

Toddy 7:49 AM

\$3,000
 Delivered

Message

📷 🗑️ 📎 📧 📞 🔍 🎵 🗑️

7:50 [Signal] [Wi-Fi] [Battery]



+1 (337) 344-3710

Share your name and photo?
Billy Broussard Share...

iMessage
Fri, Aug 25, 3:35 PM

This is Billy Broussard with the Tree Service to remove fallen tree from backyard \$2,500

Billy Broussard
Company
"Specializing In Large Tree Removal"

Tree Service / Removal
CRANE SERVICE
337-233-2442
OR TEXT TO 337-316-6193
Website: BillyBroussard.com
E-mail: Billy@BillyBroussard.com



Delivered

Thank you for your time Billy, I'll be in touch.

7:51 [Signal] [Wi-Fi] [Battery]



+1 (337) 295-4814

Text Message
Tue, Aug 20, 9:28 AM

This is Billy Broussard with the Tree Service please send your info.

227. tournoir st Lafayette la Ross
Chaisson

Will you be able to come give estimate today

Wed, Aug 31, 4:37 PM

To remove the two water oaks cutting them fence high you're looking at about \$4,800

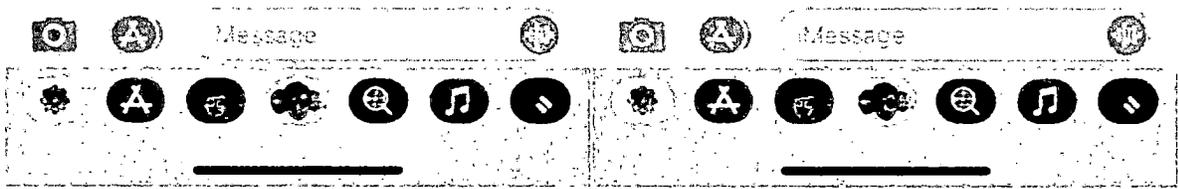
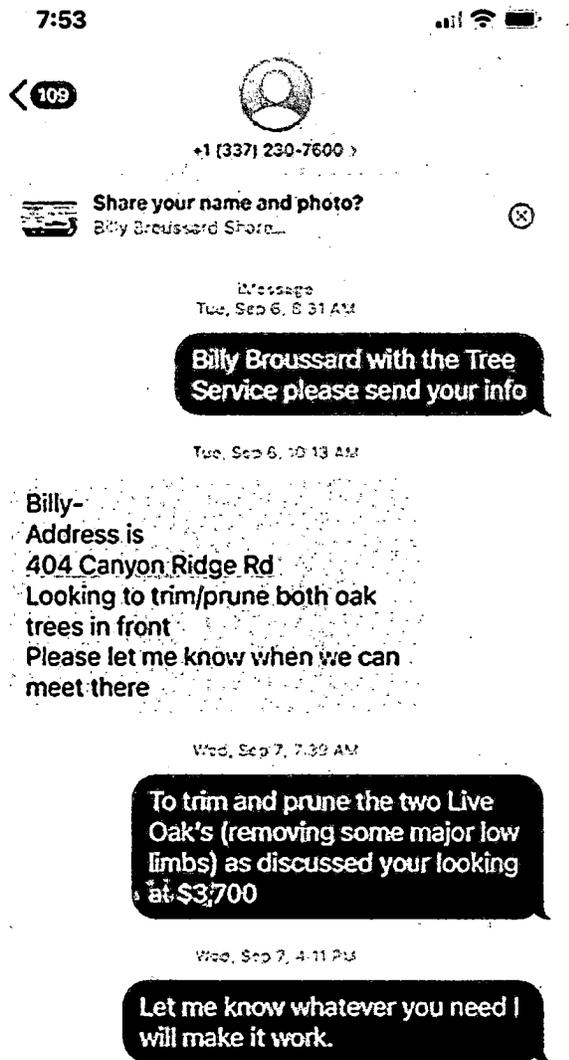
Just wanted to cut branches thats all that's hanging

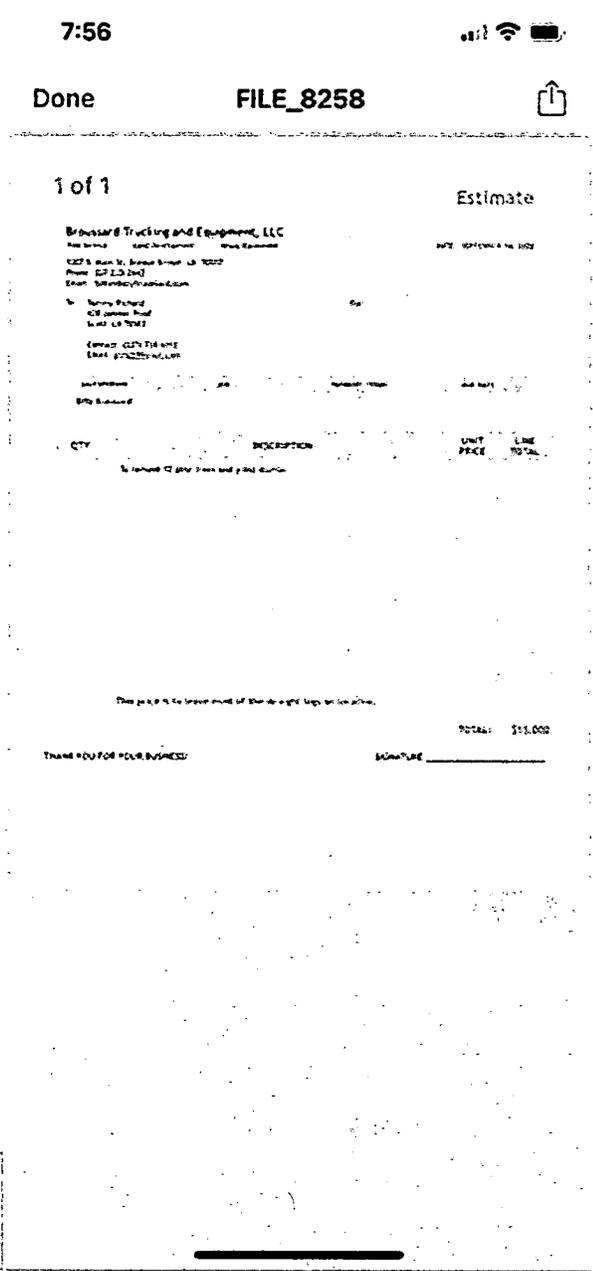
Message [Camera] [App Store] [App Store]

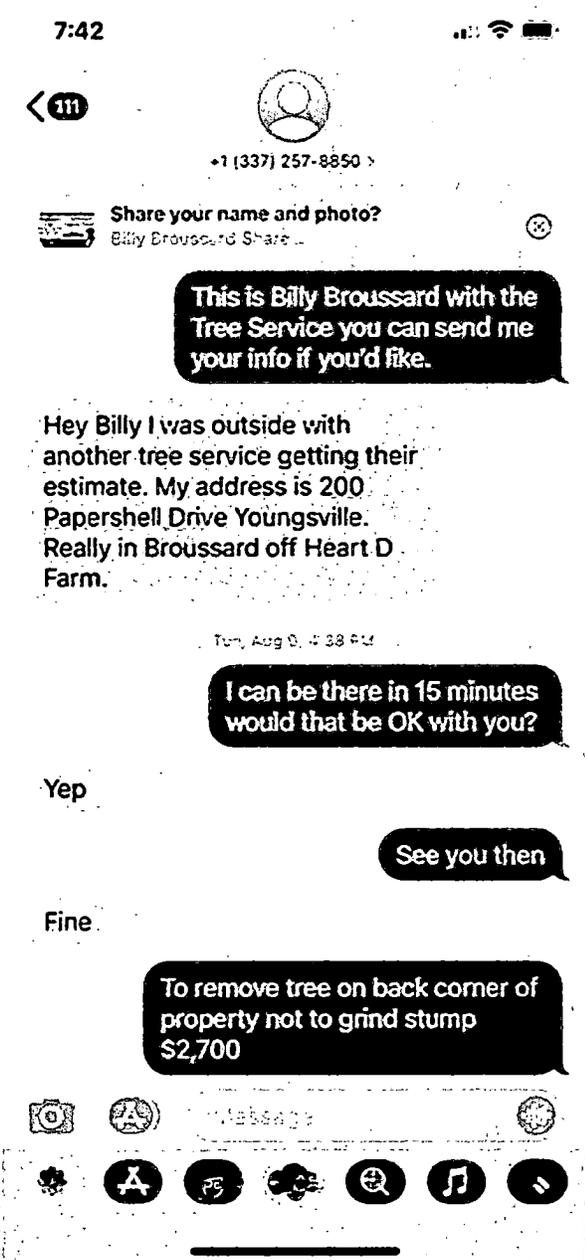
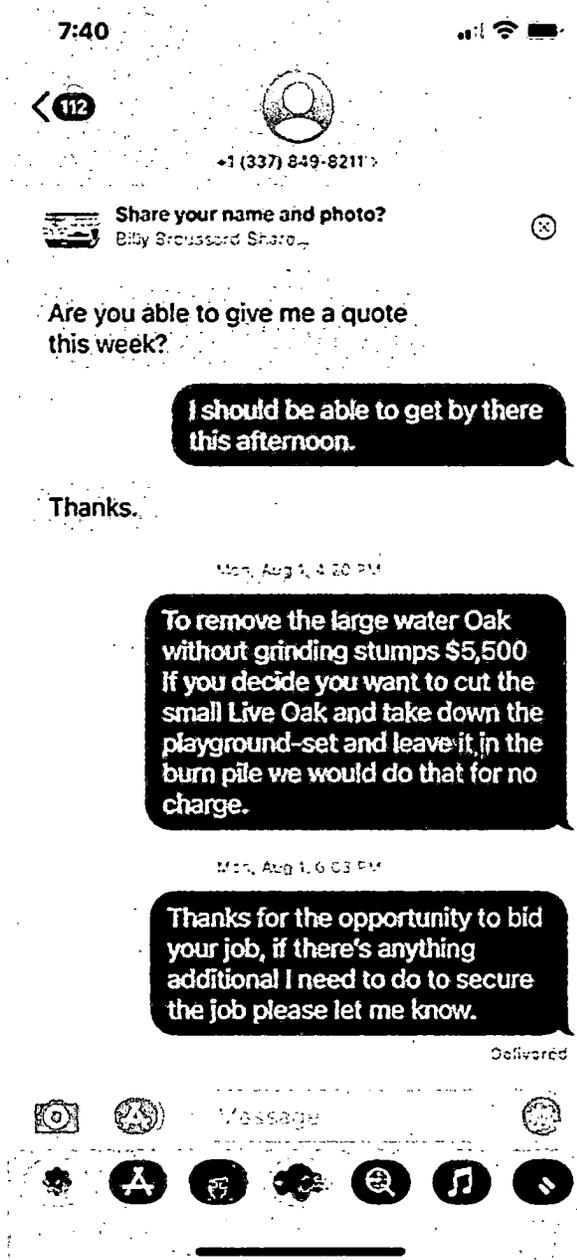


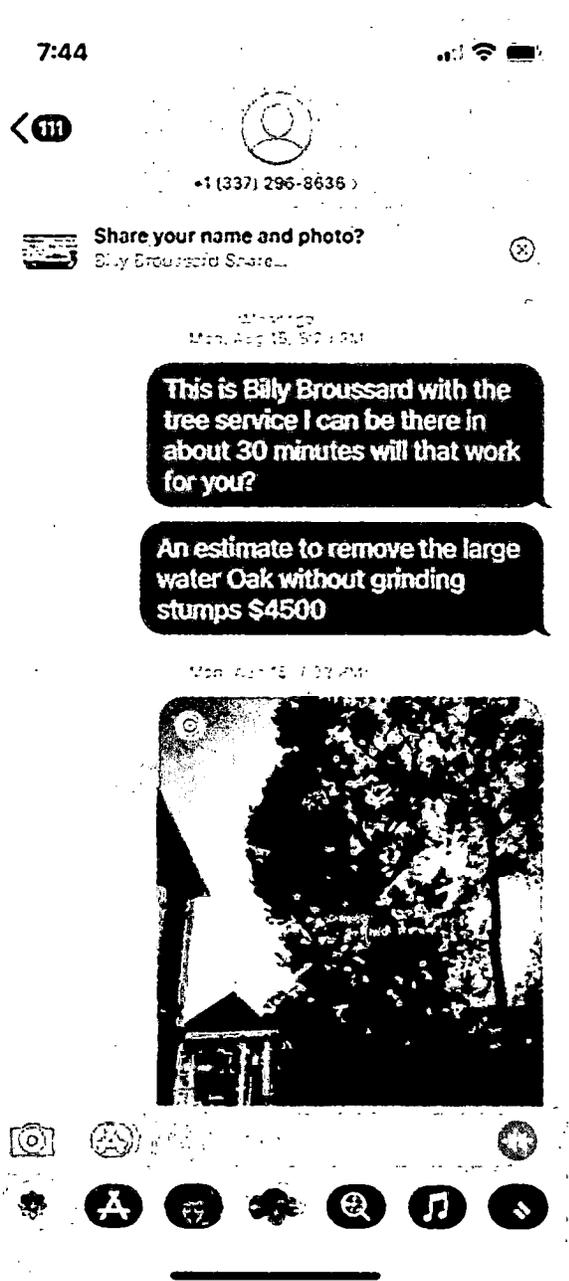
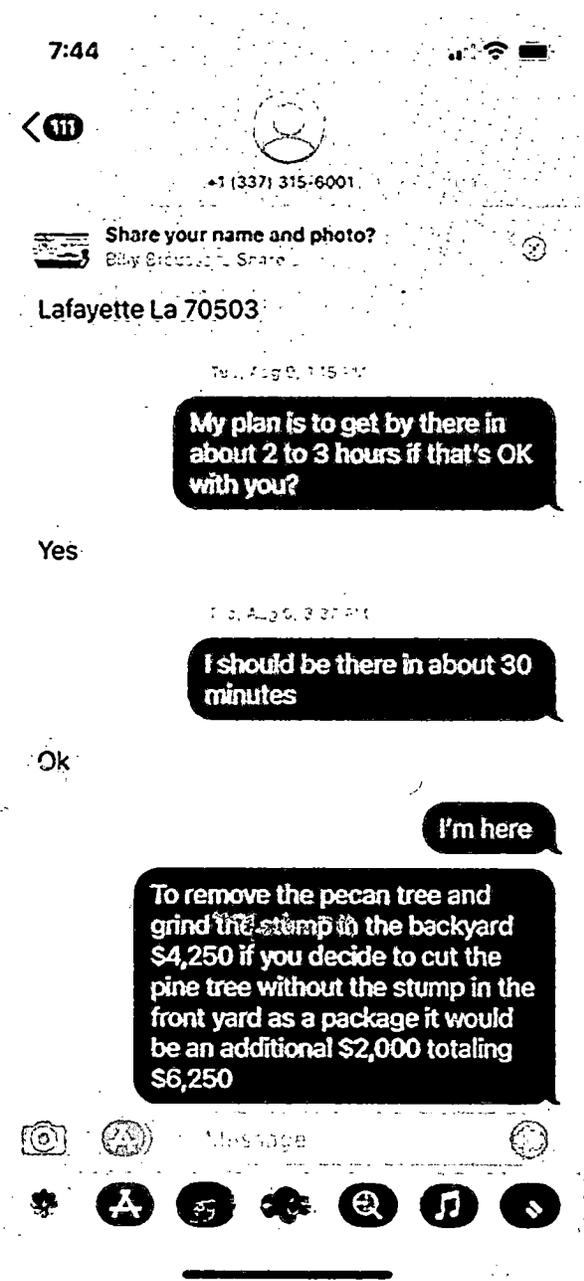
Text Message [Camera] [App Store] [App Store]

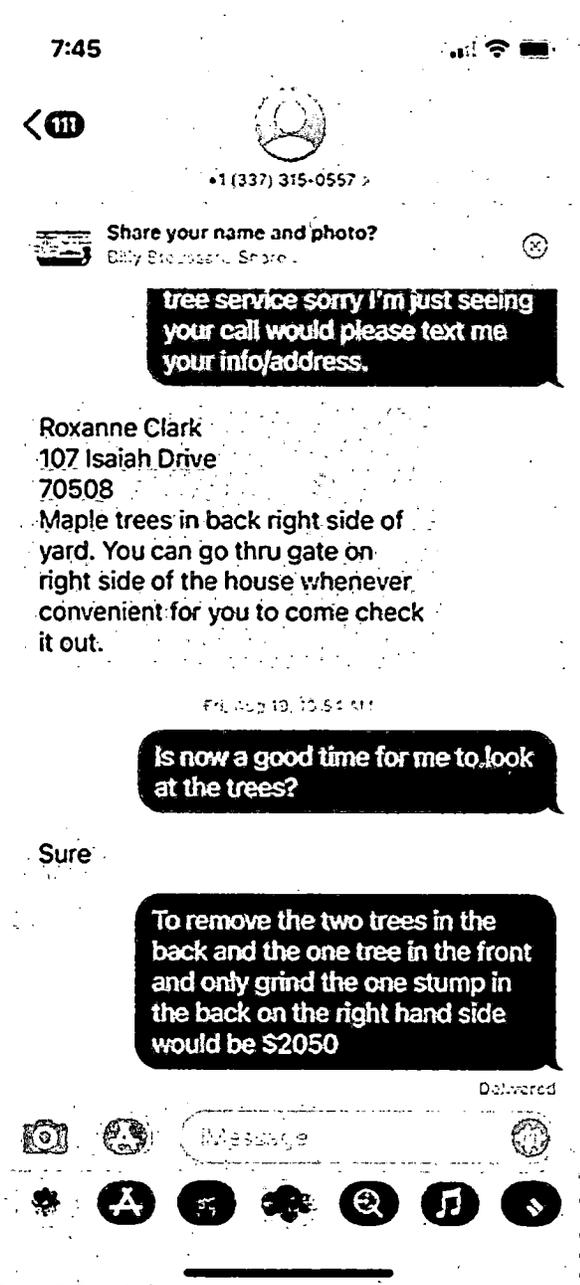
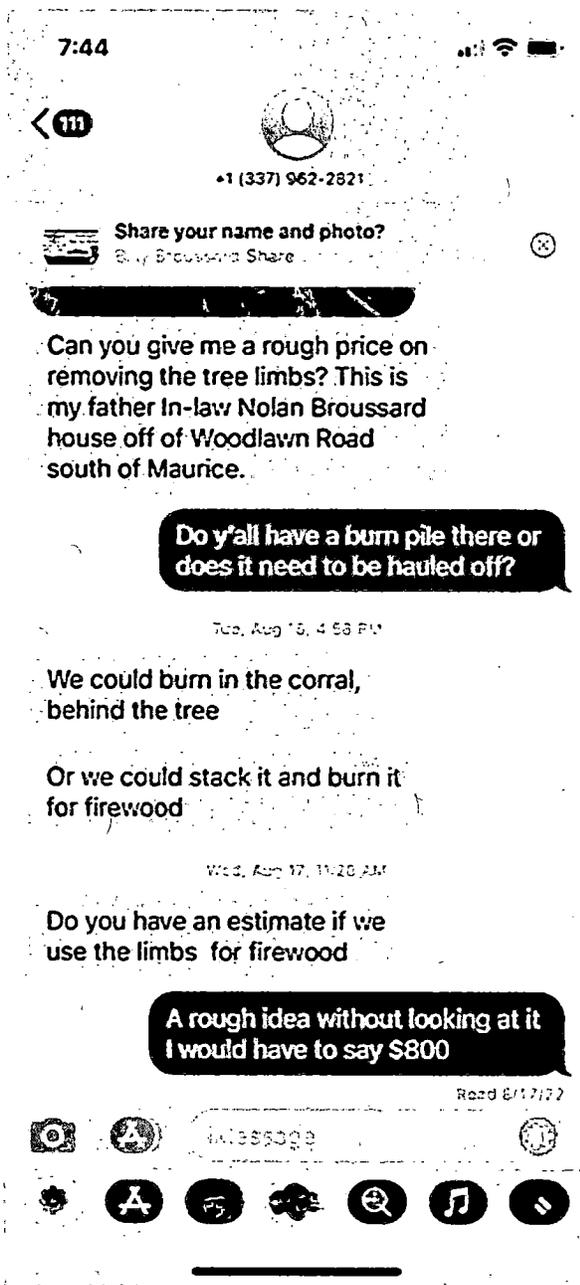


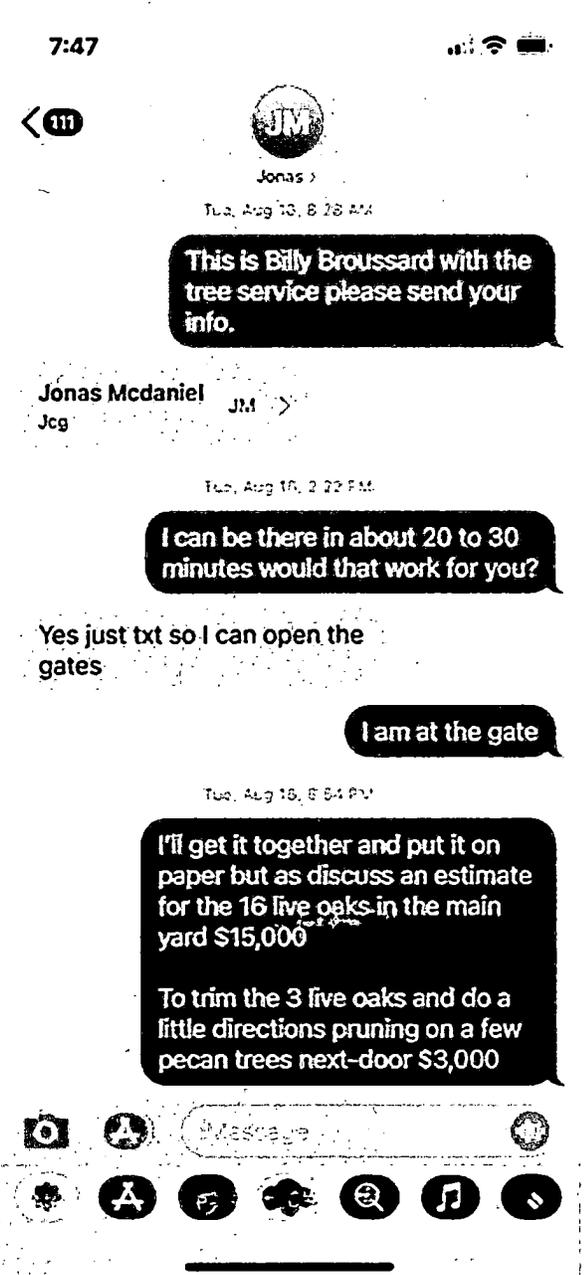
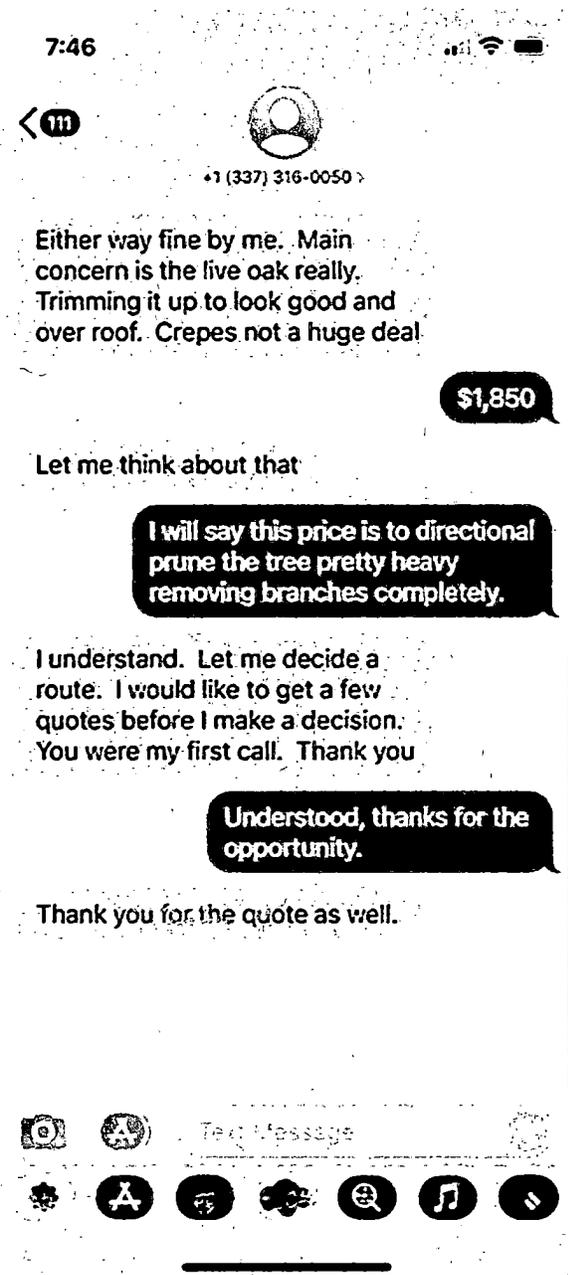


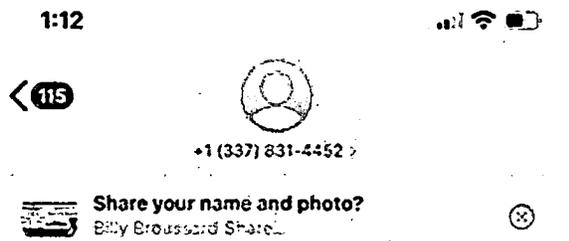












Message
Wed, Jul 13, 4:04 PM

This is Billy Broussard with the Tree Service to remove the tree and stump would be \$2,600

Delivered

Message
Wed, Jul 13, 12:12 PM

This is Billy Broussard with the Tree Service please send your info

Ok thank you.

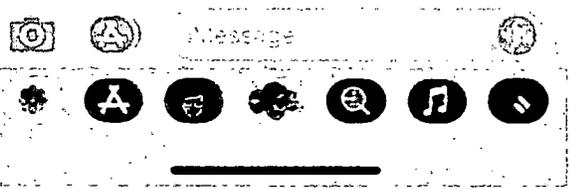
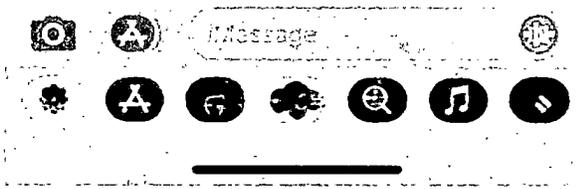
Property on the side of 507 Lake Dauterive Road
Thanks again!

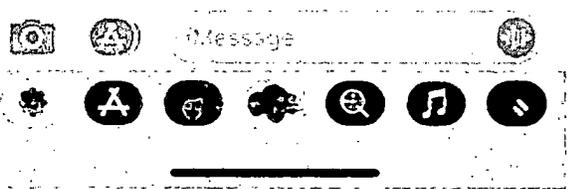
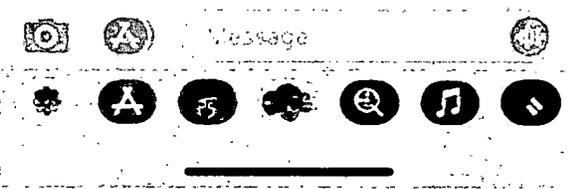
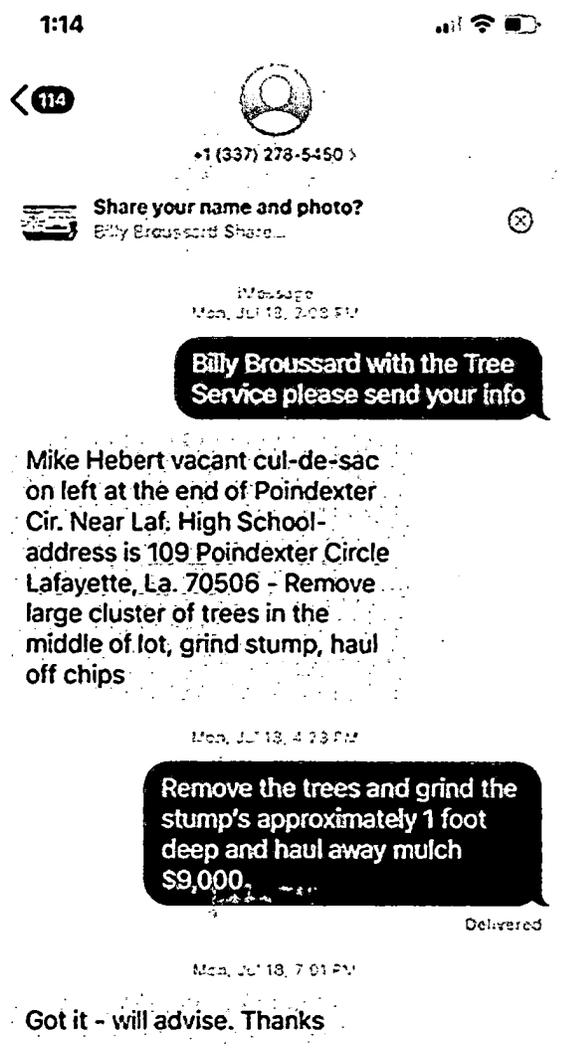
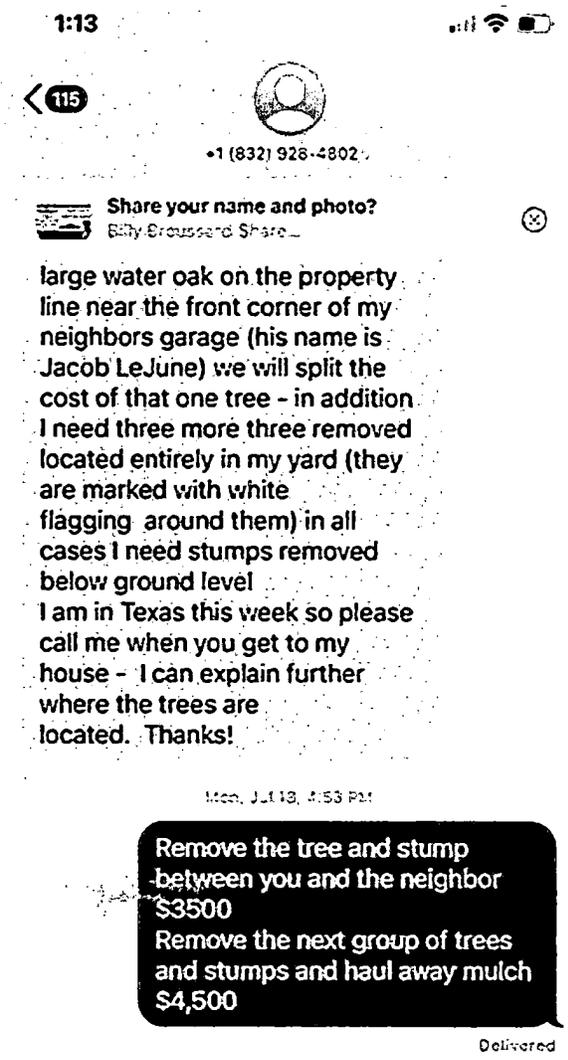
Becky Albert Perez

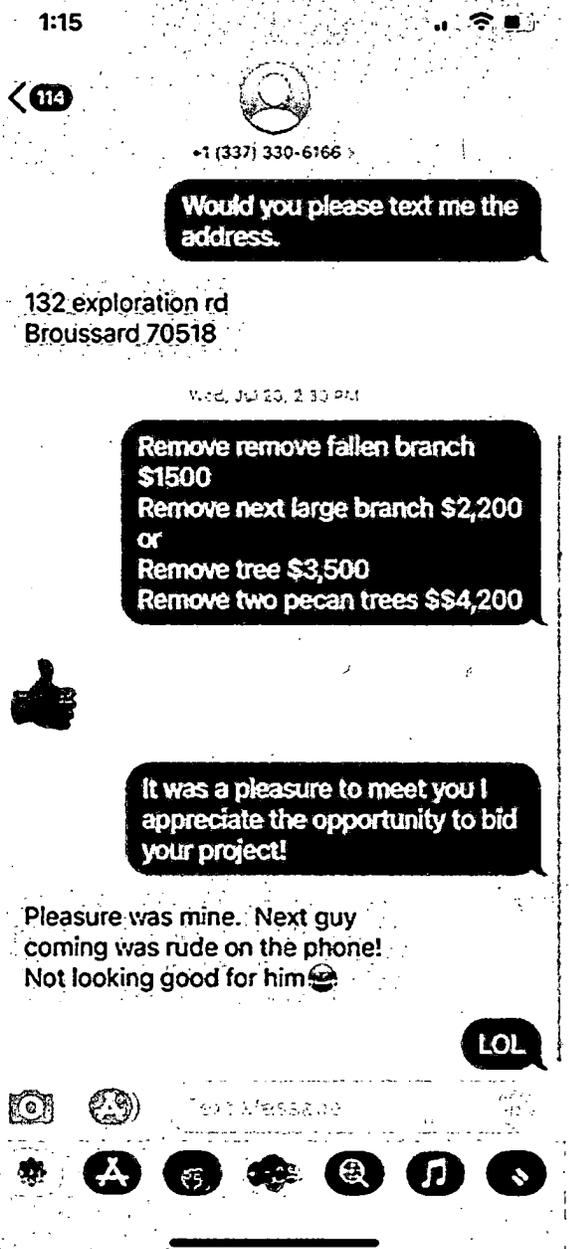
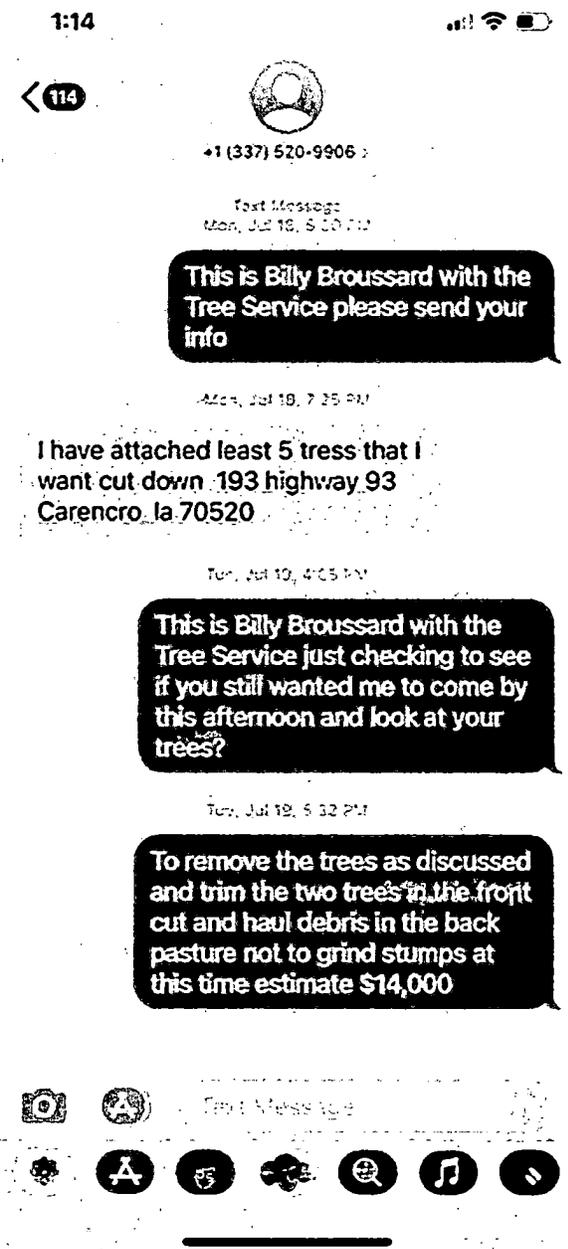
Wed, Jul 13, 1:45 PM

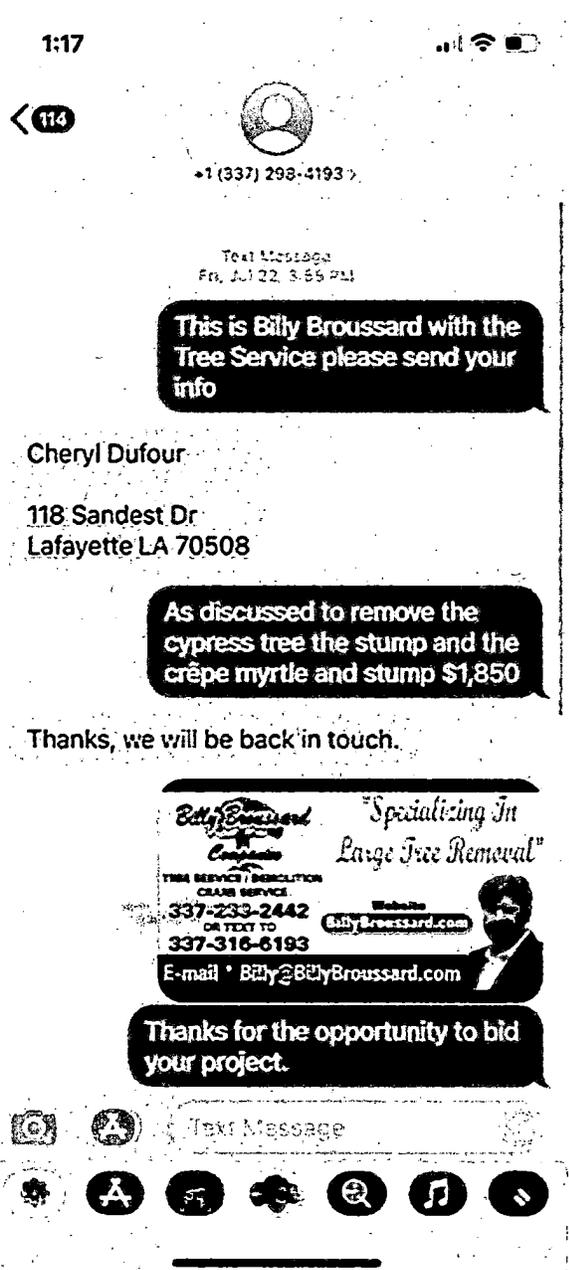
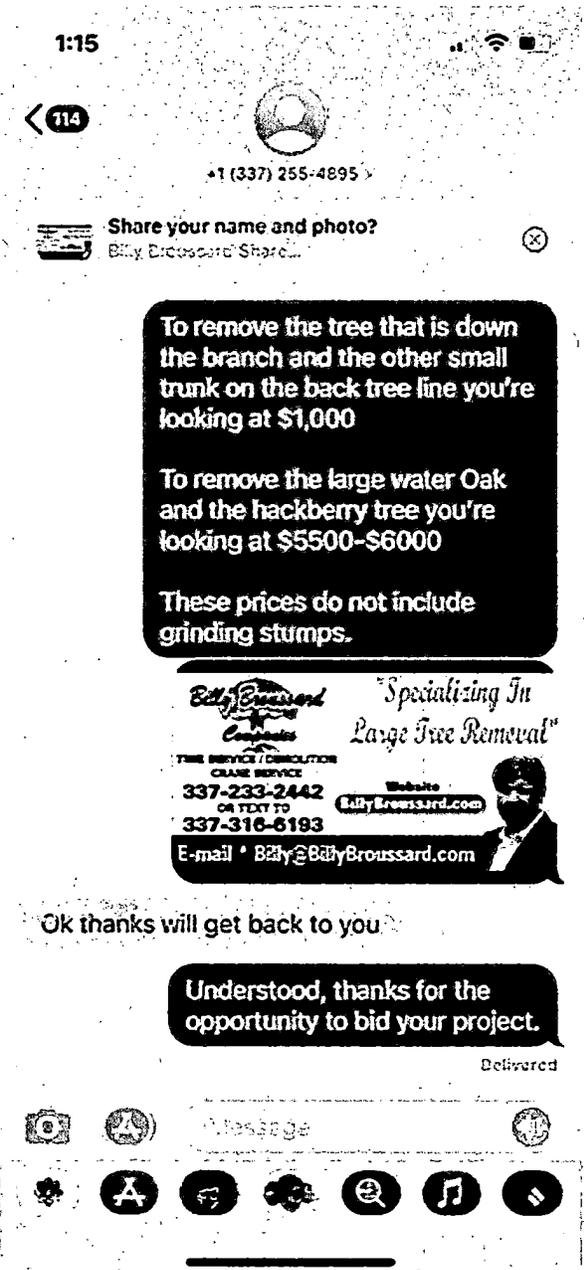
Side trim the trees on the right side of property as discussed \$1,800 cut and leave debris in burn pile.

Read 7/13/23









1:18



< 113



+1 (337) 654-4603 >



Share your name and photo?

Billy Broussard Share...



Message
Wed, Jul 27, 10:25 AM

This is Billy Broussard with the Tree Service please send your info

Billy Broussard
Tree Service
Specializing In
Large Tree Removal

Tree Service / Removal
Crane Service

337-233-2442
OR TEXT TO
337-310-8193

Website
BillyBroussard.com

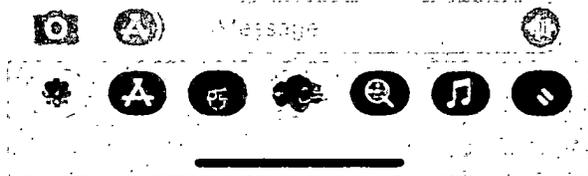
E-mail * Billy@BillyBroussard.com

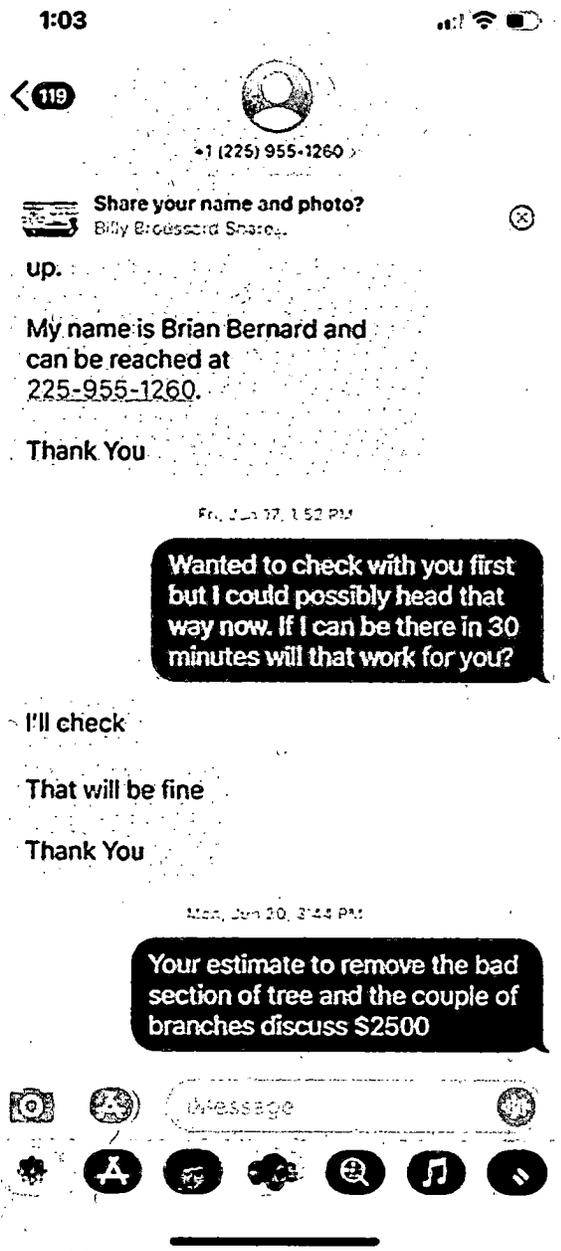
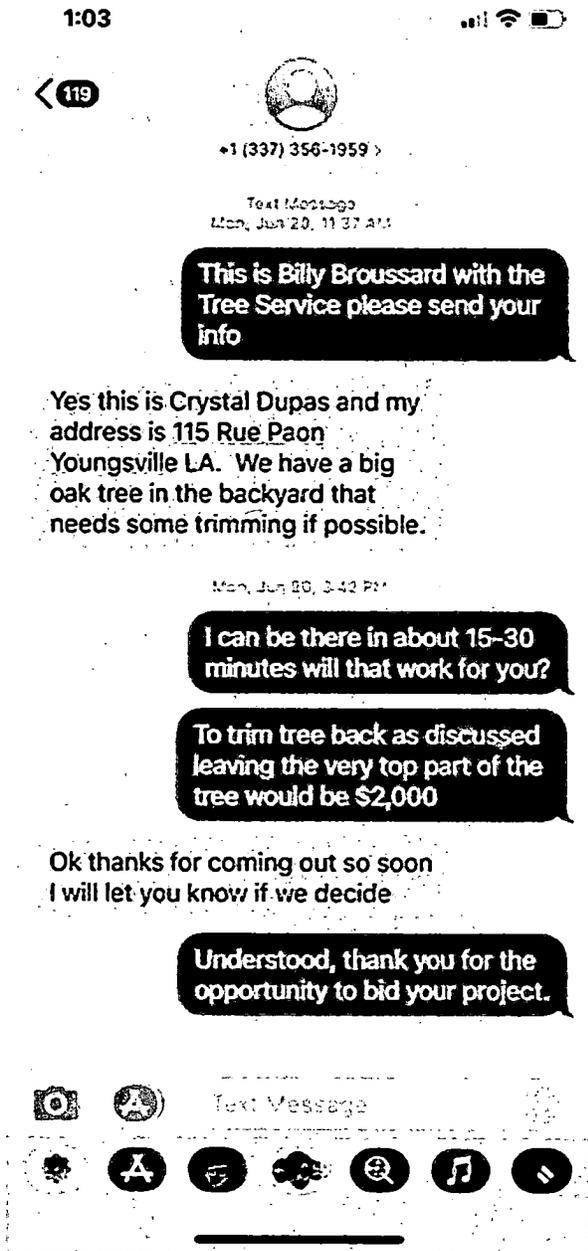
Tom Strong 337-654-4603 @ 111
Acadian Dr. Lafayette 70503. I
have 3 limbs that need to be cut
off of a pine tree. You will need a
bucket truck to reach them.

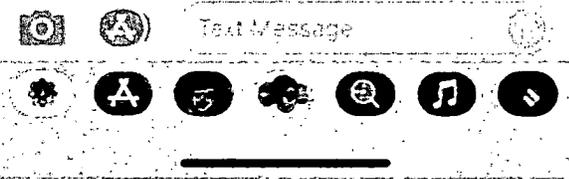
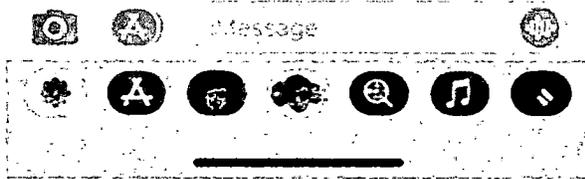
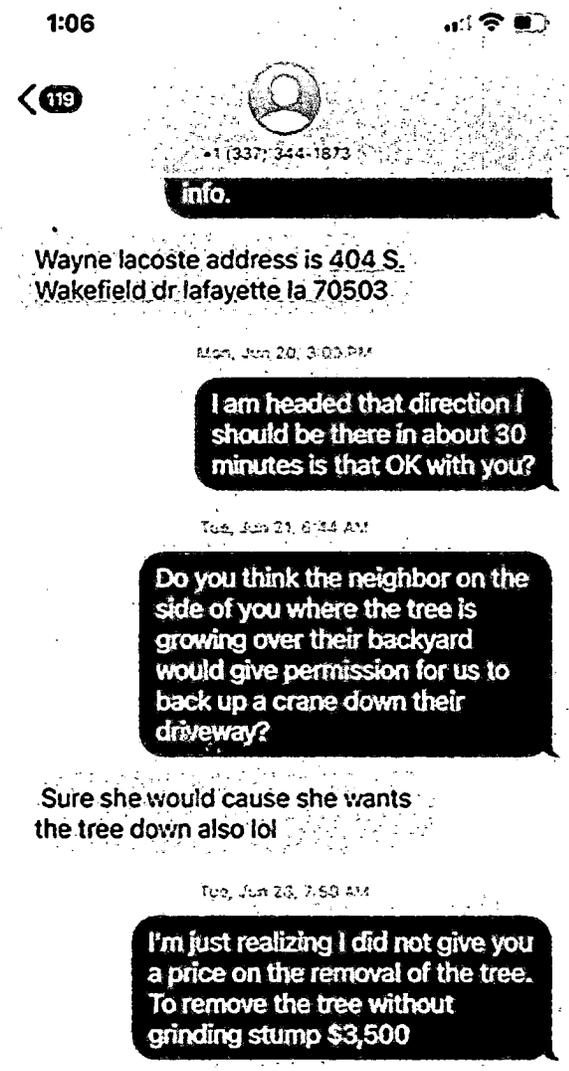
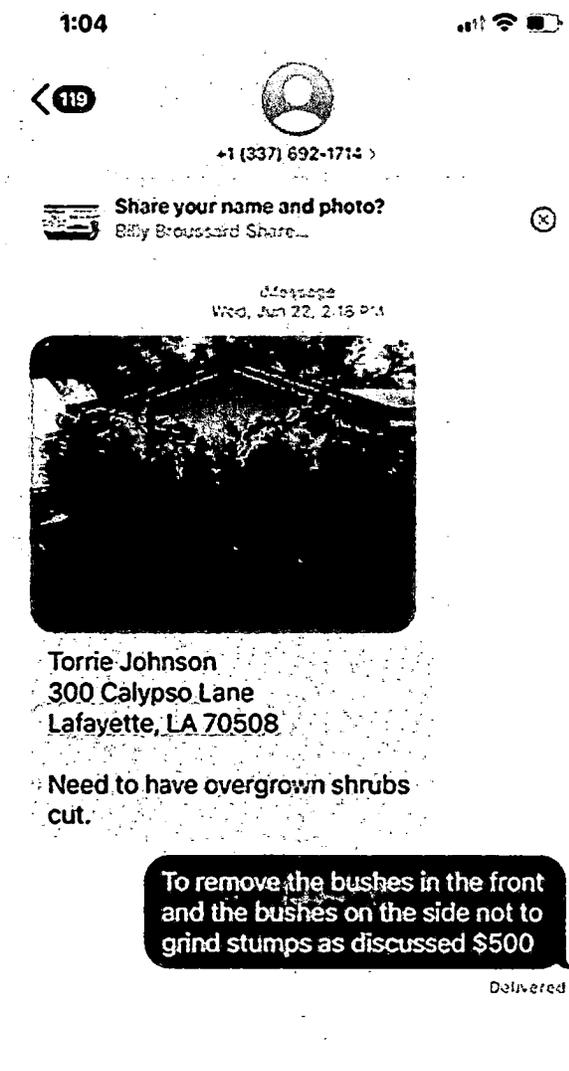
Thu, Jul 28, 10:40 AM

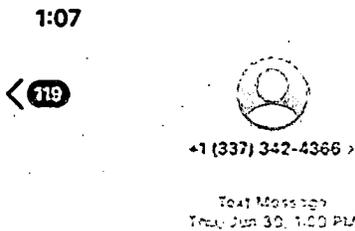
**To trim the four pine tree
branches as discuss cut and haul
\$800**

Delivered









This Ray Latiolais
Address: 1071 David Rd (in
Leblanc subdivision)
St. Martinville 70582

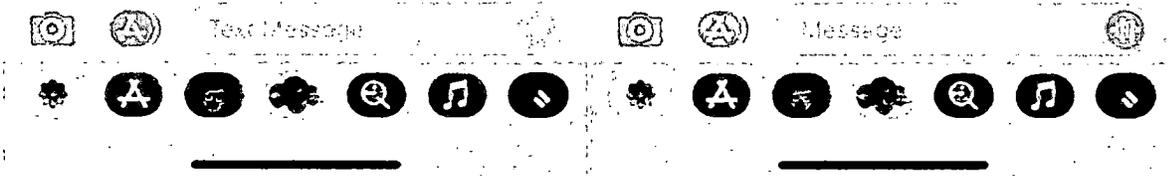


Henry and Peggy Blanchard
412 Steeple Chase Dr
70506

To remove the three trees on the side of house and grind stumps and also the one additional stump in the front yard and cut the neighbors tree next to her house provided she gives access from her driveway (Setting up truck crane) \$3,000

Delivered

Thank you. Hopefully we will make a decision in the next couple of weeks.



1:09

116

+1 (337) 321-1372

Tree Service please send your info/address.

4311 Martin st new iberia la
70560
Jimevansbabe21@aol.com

Fri, Jul 8, 3:57 PM

I can be there in about 12 minutes will that work for you?

I'm at work but u can go look if u like

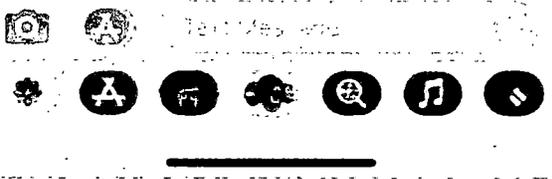


When u pull in driveway it's tree by camper

To be removed?

Yes and stumped removed

Remove tree and grind stump \$2,500



1:09

116

+1 (337) 591-7577

Share your name and photo?

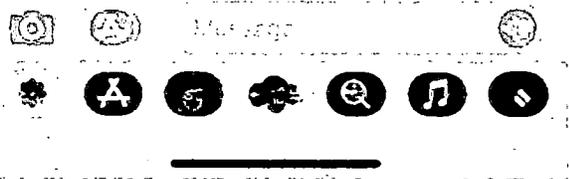
This is Billy Broussard with the Tree Service please send your info

Billy Broussard
Company
Specializing In
Large Tree Removal

Tree Service / EMULSION
CRANE SERVICE
337-233-2442
OR TEXT TO 337-316-6183
E-mail: Billy@BillyBroussard.com

Calvin Hamilton
1113 S. Sterling St Lafayette La..

To pick up and haul the debris away that is at the road, if everything is tree debris as it appears you're looking at \$1,250



1:10



< 116



+1 (337) 224-2259



Share your name and photo?

Billy Broussard Share...



This is Billy Broussard with the Tree Service please send your info.

This is Victoria Hargis. I got your name from Mike and Teri Kreamer. I have a rent house at 610 Saint Patrick Street in Lafayette. I need to get an estimate to trim limbs on a live oak tree. Just let me know when you can come by. Thanks

Sat, Jul 8, 9:05 AM

Just wanted to let you know the tree guy doesn't have to take any big equipment into the backyard.

Sorry I sent this to the wrong person

Understood, just keep in mind you are not sure yet what the insurance company is going to want you to remove.

Delivered



Message



12:47

< 130



+1 (337) 260-2763 >

Text Message
Thu, May 5, 9 54 AM

This is Billy Broussard with the Tree Service please send your info

James Warren, 3372802763, 200 Bull Run Circle, Broussard 70518

Thu, May 5, 5 14 PM

To trim and prune the neighbors Live Oak \$2200

12:48

< 130



+1 (337) 326-3069 >

Share your name and photo?
Billy Broussard Share...

Tree Service please send your info

303 Presbytere Parkway
Lafayette LA 70503

The tree is an oak tree in the backyard to the right side of the property thanks

I'm usually home in the afternoon after 5 PM

Thanks

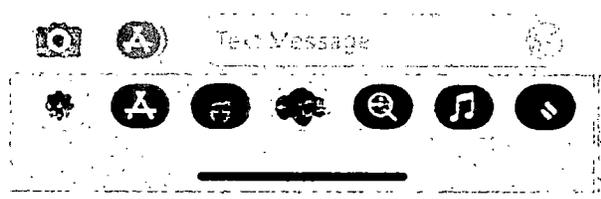
Thu, May 5, 5 30 PM

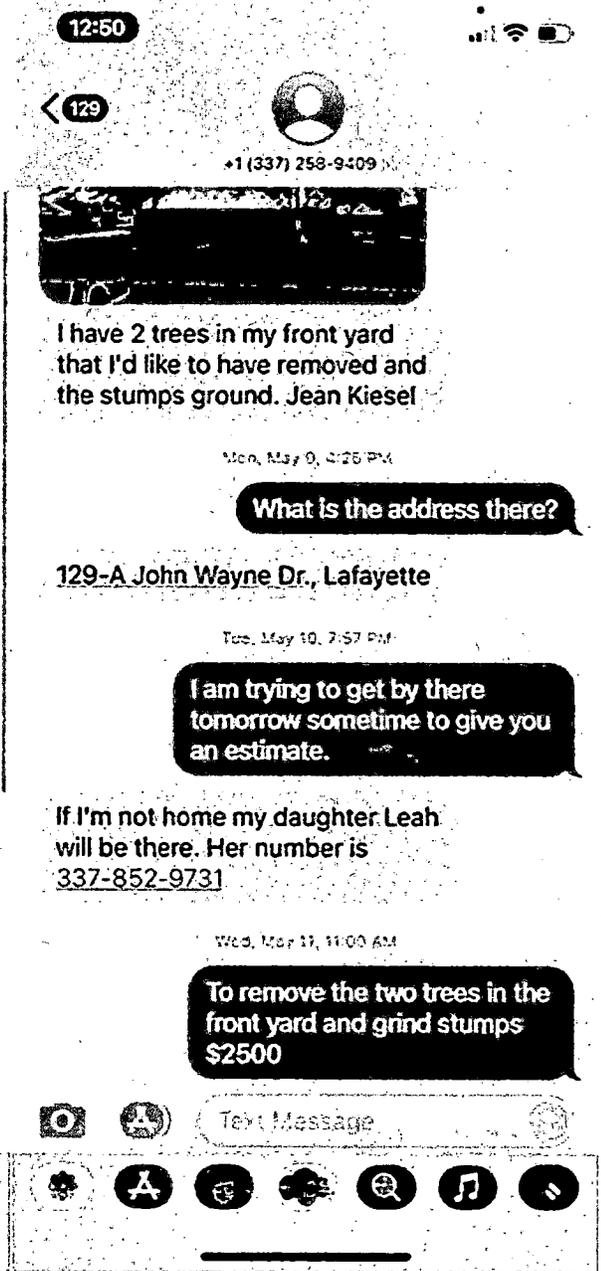
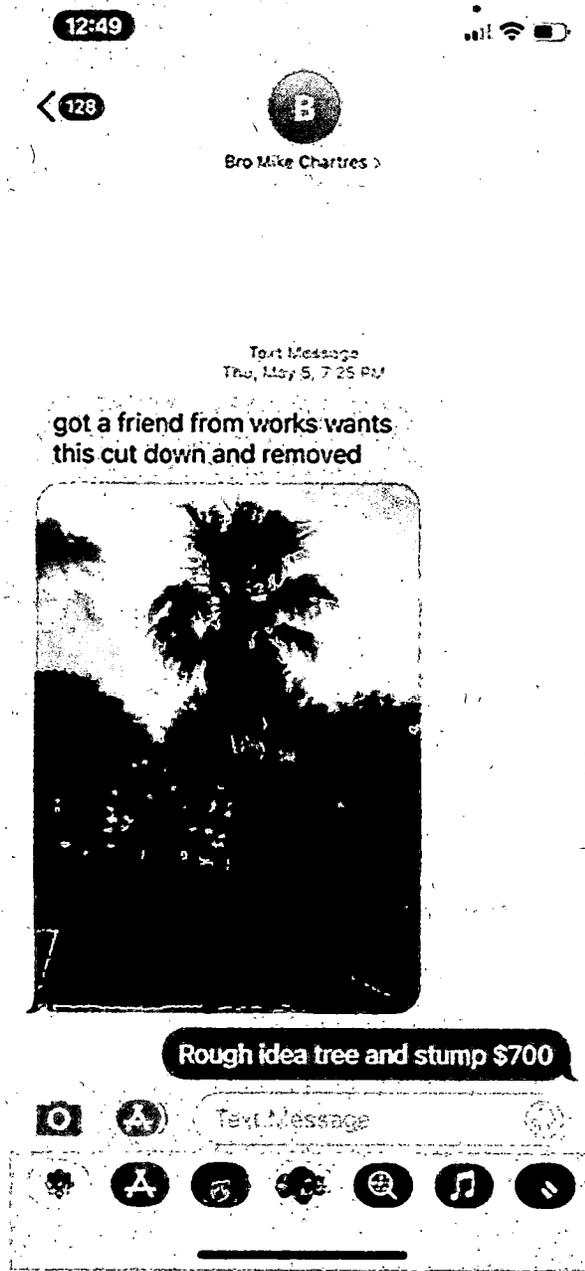
When do you think you would be available to check out the tree

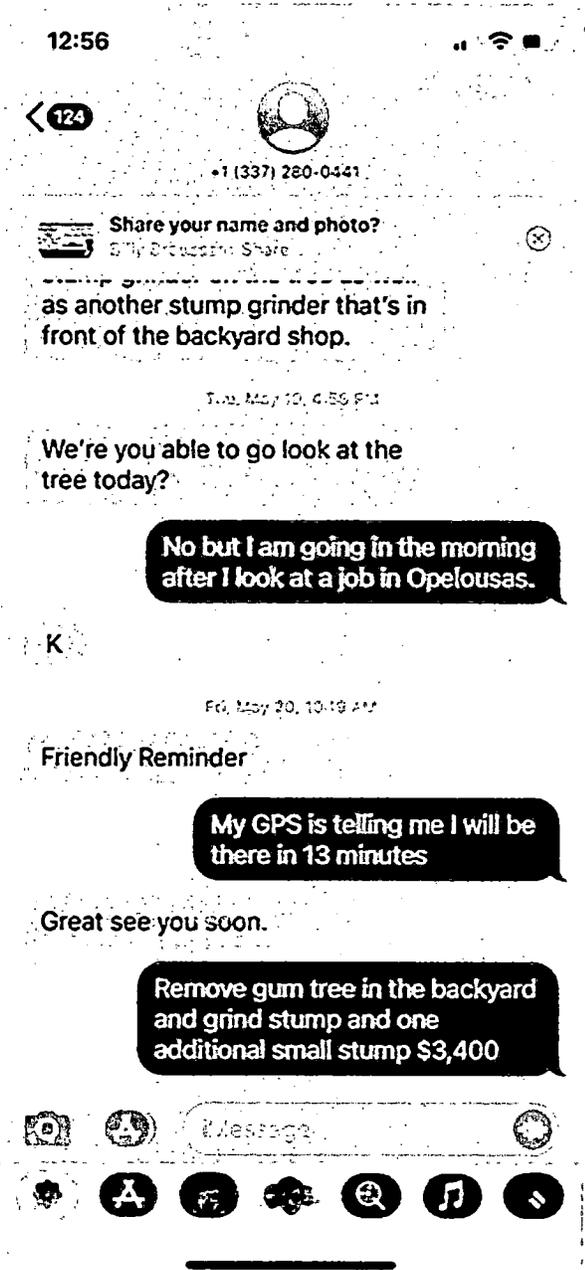
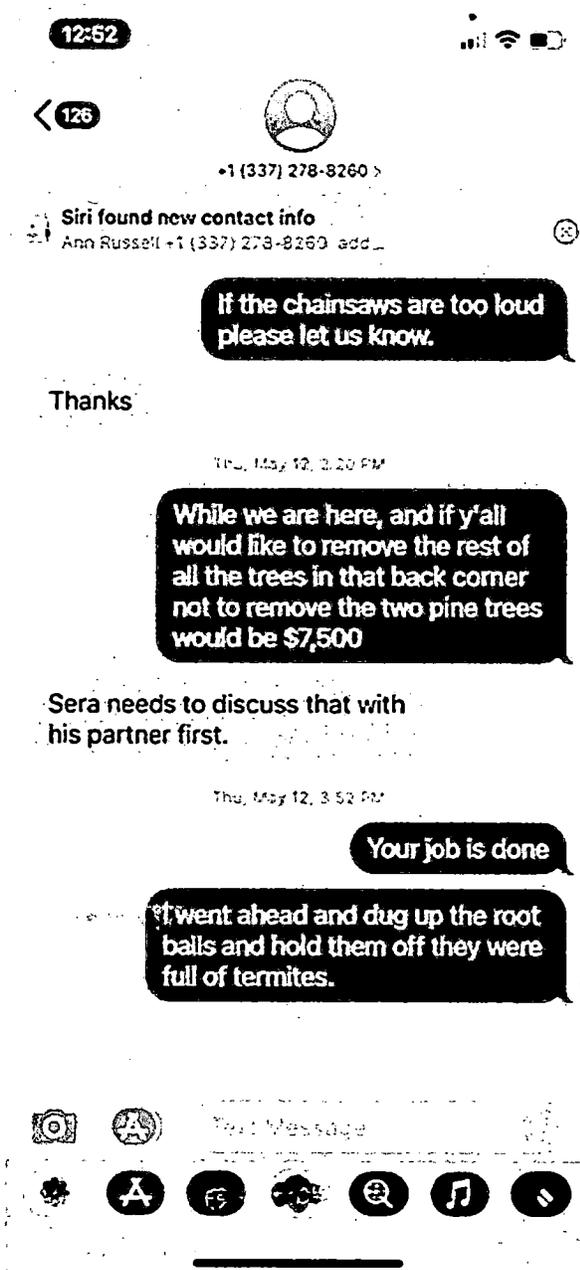
I can be there in 20 minutes.

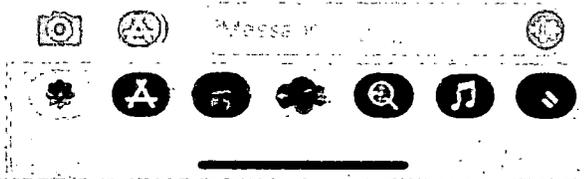
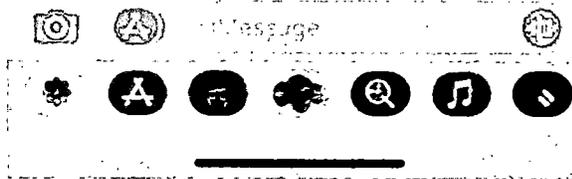
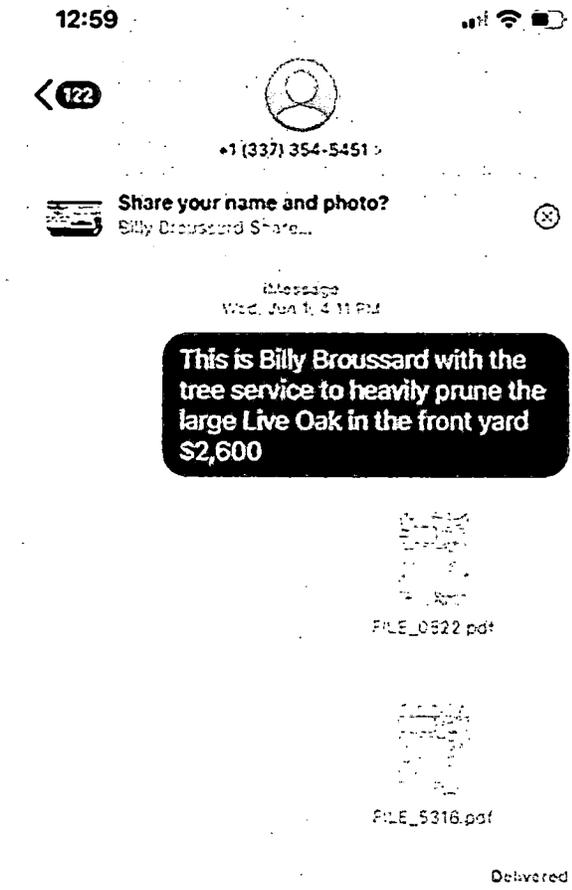
OK \$3000 to trim as discuss \$6500 to remove the tree without the stump if you decide.

Read 5/5/22









1:01

< 119



+1(337) 349-5399



Danny Barnhill
1192 Meche rd.
Arnaudville LA
705q2

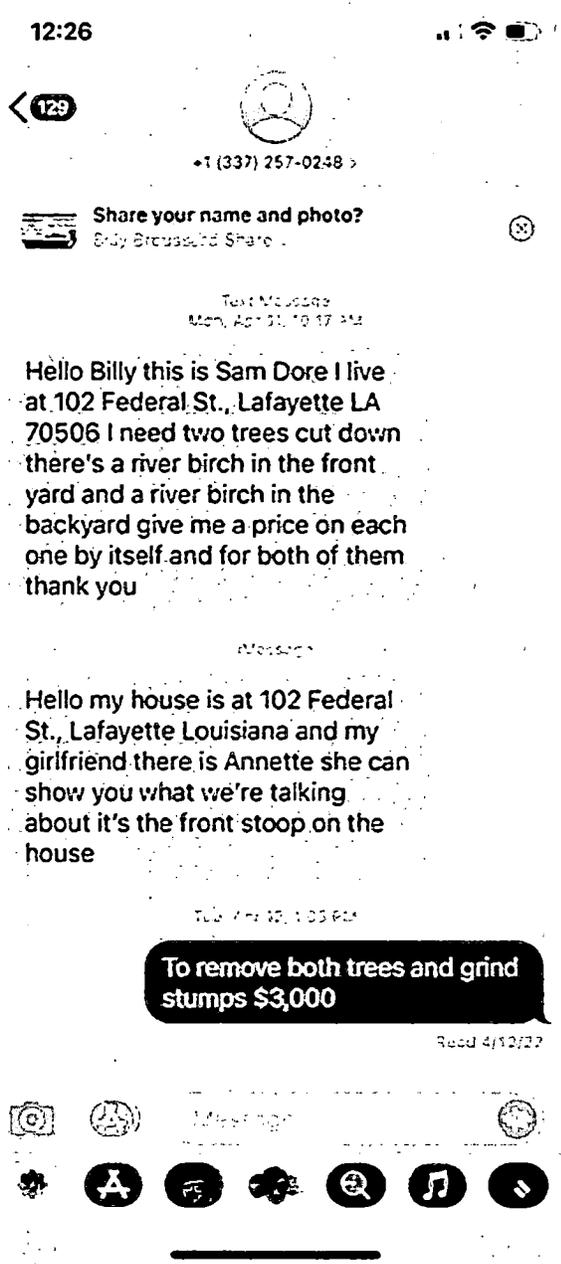
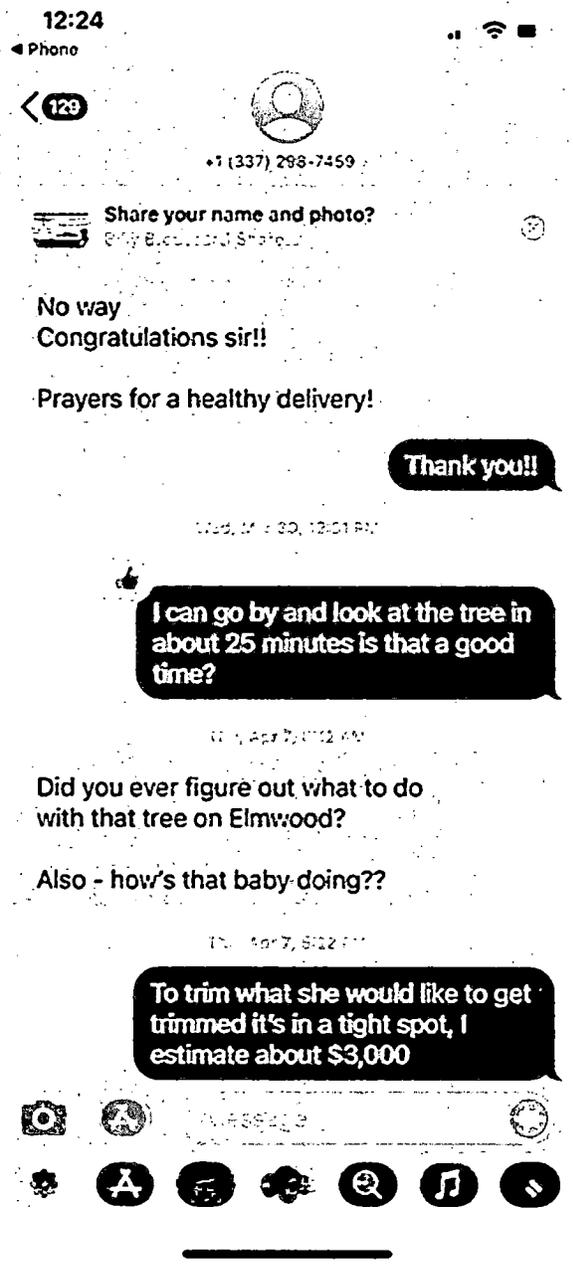
Tue Jun 7, 10:25 AM

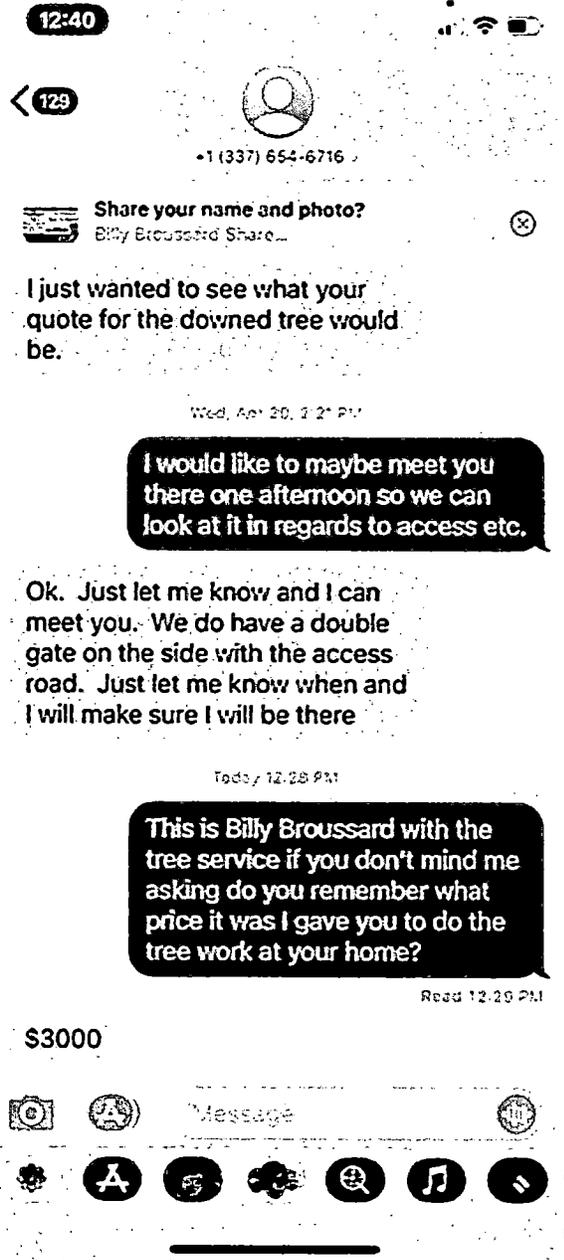
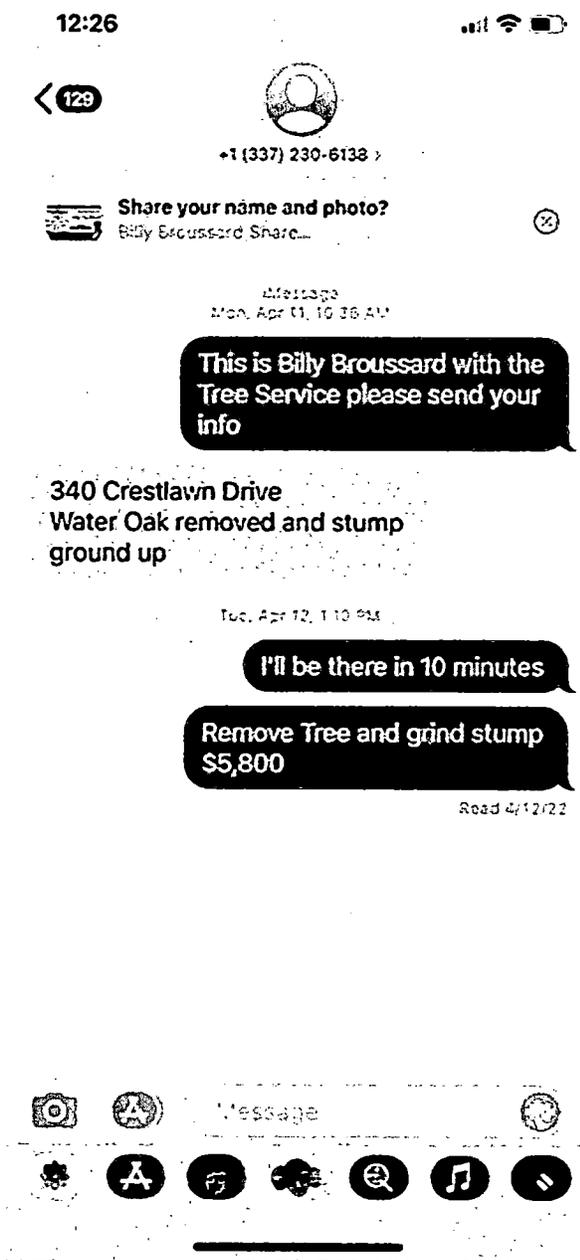
To remove the three trees and
one large branch going towards
home from neighboring tree cut
debris and put in back pasture
\$7,500



Text Message







12:43

< 129



+1 (225) 202-2589

Text Message
Mon, Apr 25, 8:10 AM

This is Billy Broussard with the Tree Service please send your info

Howard Fielding 306 Robinhood Circle 2252022589

12:44

< 129



+1 (337) 207-5556

Share your name and photo?
Billy Broussard Share

Thank you very much!!

Tue, Apr 12, 8:39 AM

Billy Broussard with the Tree Service please send your info

220 Monterey St new Iberia 70563

Back yard- 2 pine trees to remove
Front yard clear oak branches from above house.

Tue, Apr 25, 11:29 AM

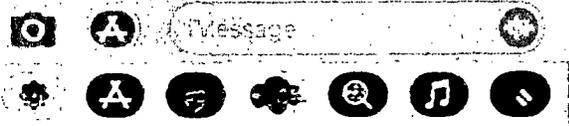
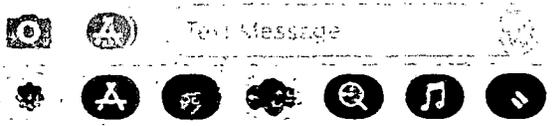
Is now a good time for me to stop by and look at the trees?

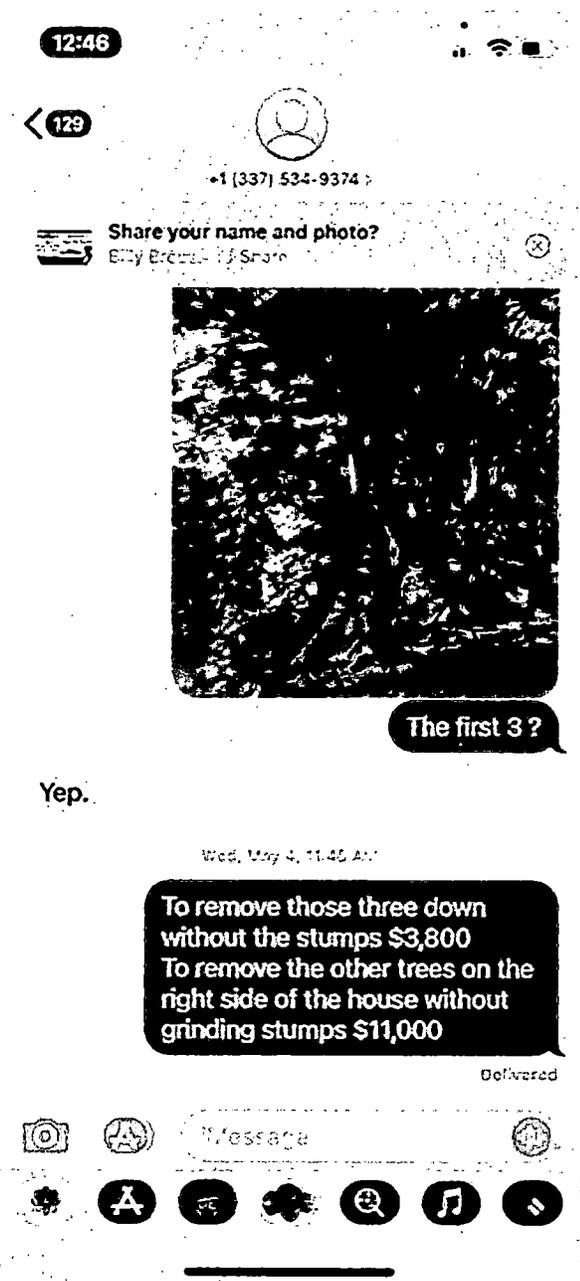
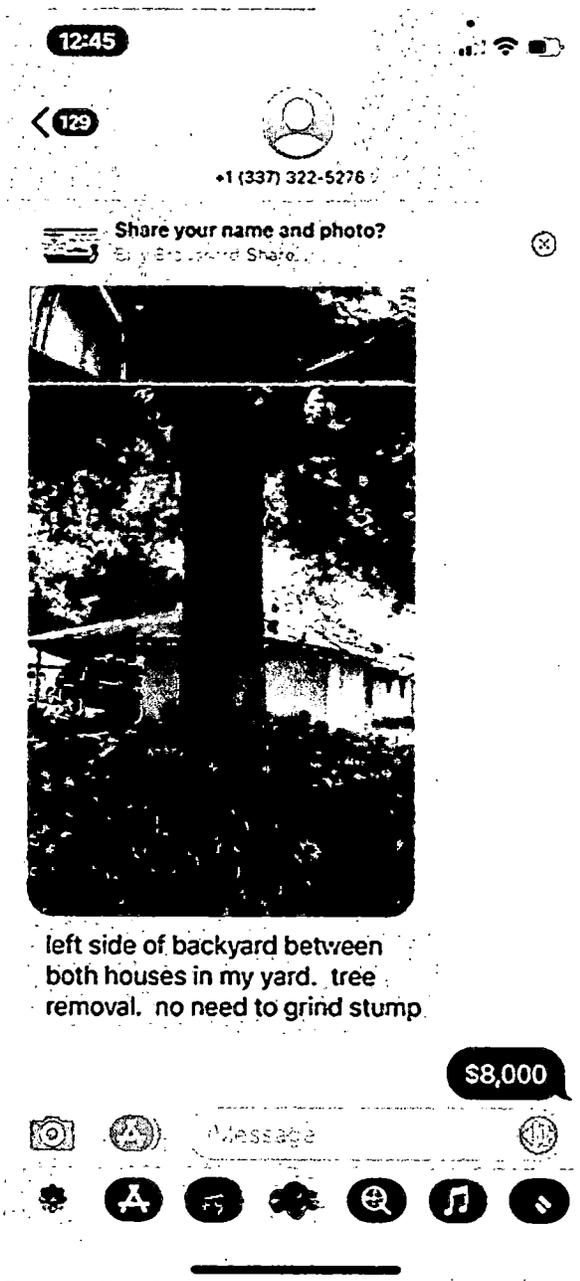
Yea that's perfect

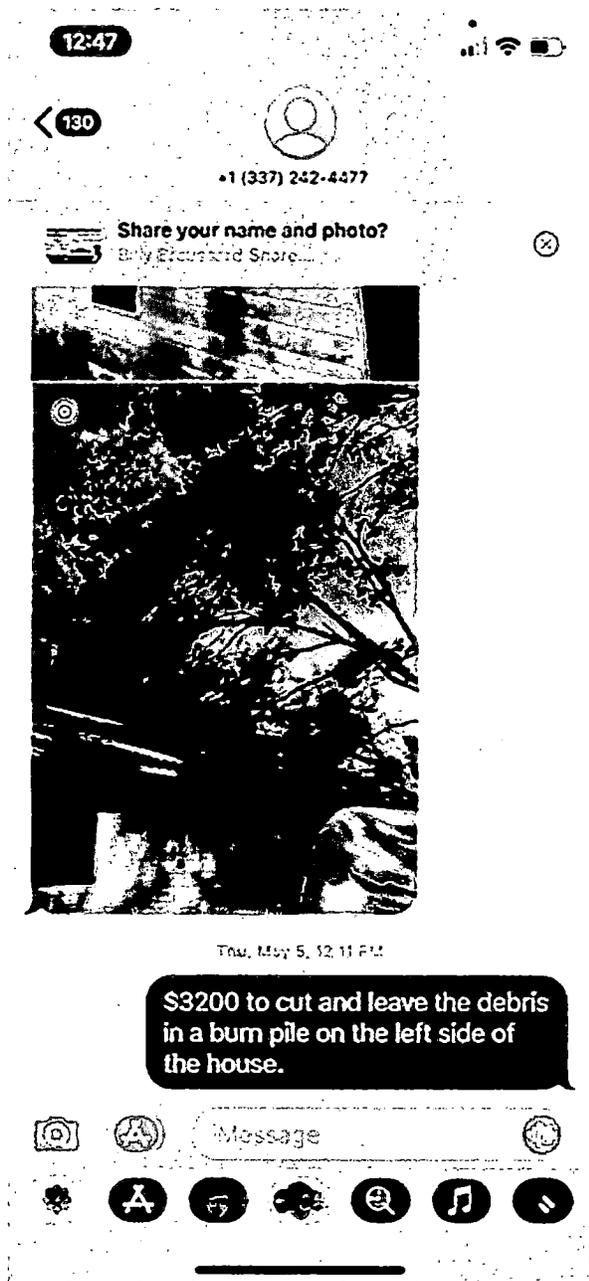
No one's there but go ahead

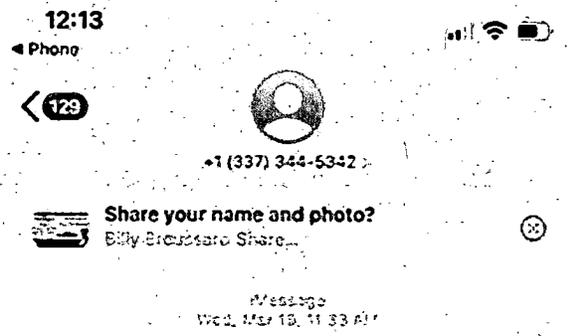
an estimate to cut the two pine trees and not grind stumps \$7,000

Delivered









This is Billy Broussard with the tree service please send your info.

Barbara Gaubert 404 Corona Dr
Lafayette 70503. In rivers
bend 337-344-5342

Wed, Mar 15, 3:40 PM

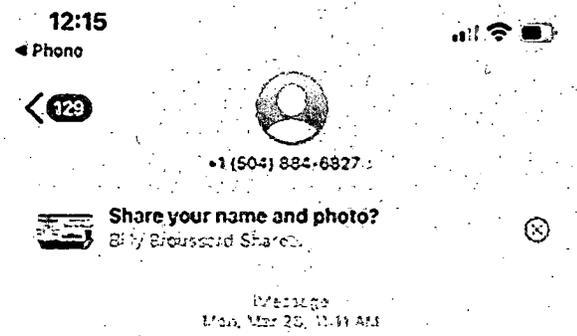
I can be there in 15 minutes to look at the tree does that work for you?

Yes it does

See you soon

An estimate to remove the large pecan tree would be a minimum of \$6,000

Read 3/16/22



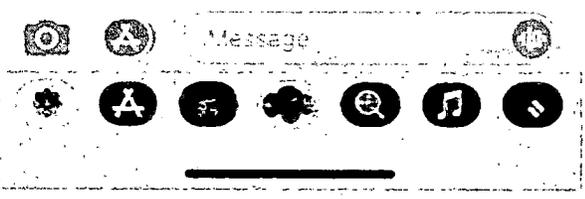
This is Billy Broussard with the tree service please send your info.

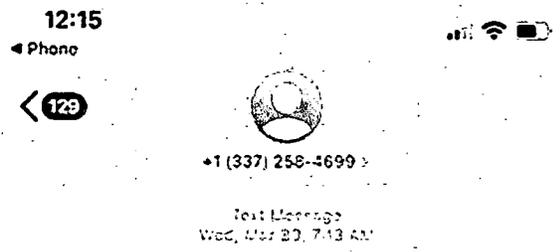
Delivered

Hi Billy, we would like to have the tree in our front yard trimmed back and have it and the one in the back yard shaped up. See address, etc. below:

Gaston Andre'
104 Portsmouth Dr.
Broussard, LA 70518
504-884-6827

Thanks,





This is Billy Broussard with the tree service please send your info.

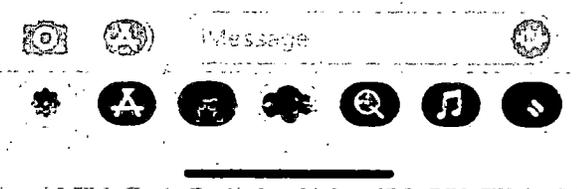
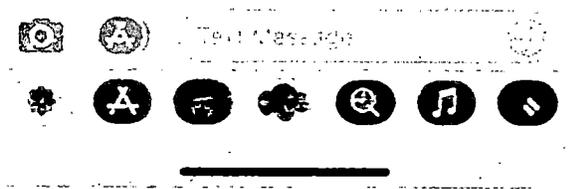
Randal Veillon 1692 E Duchamp
rd Broussard 70518 337
2584699

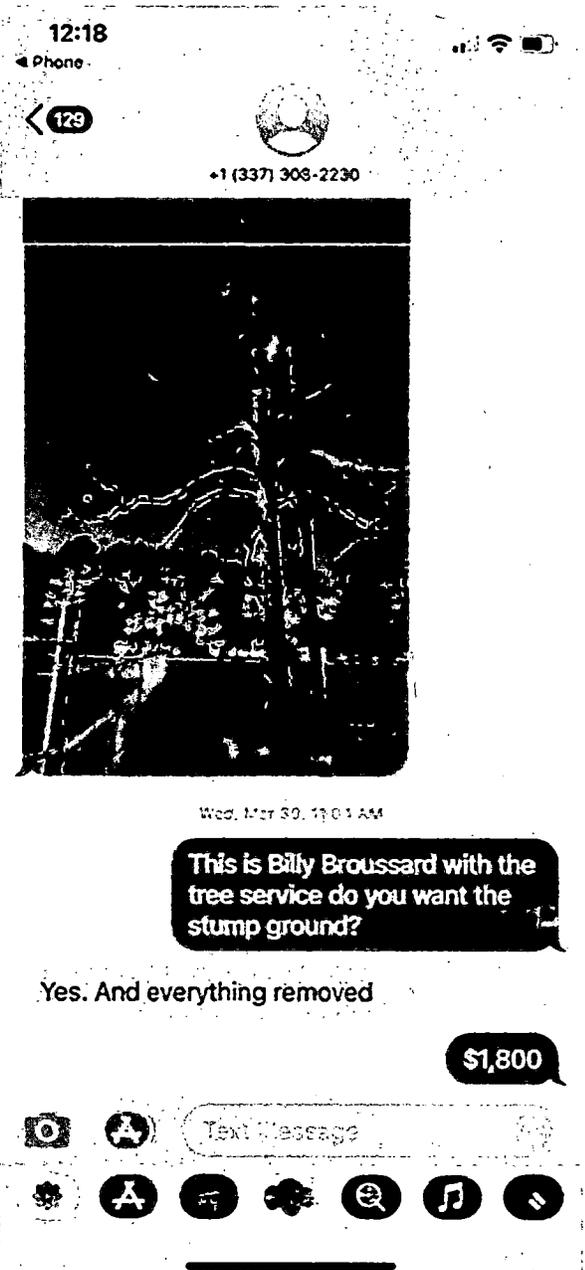
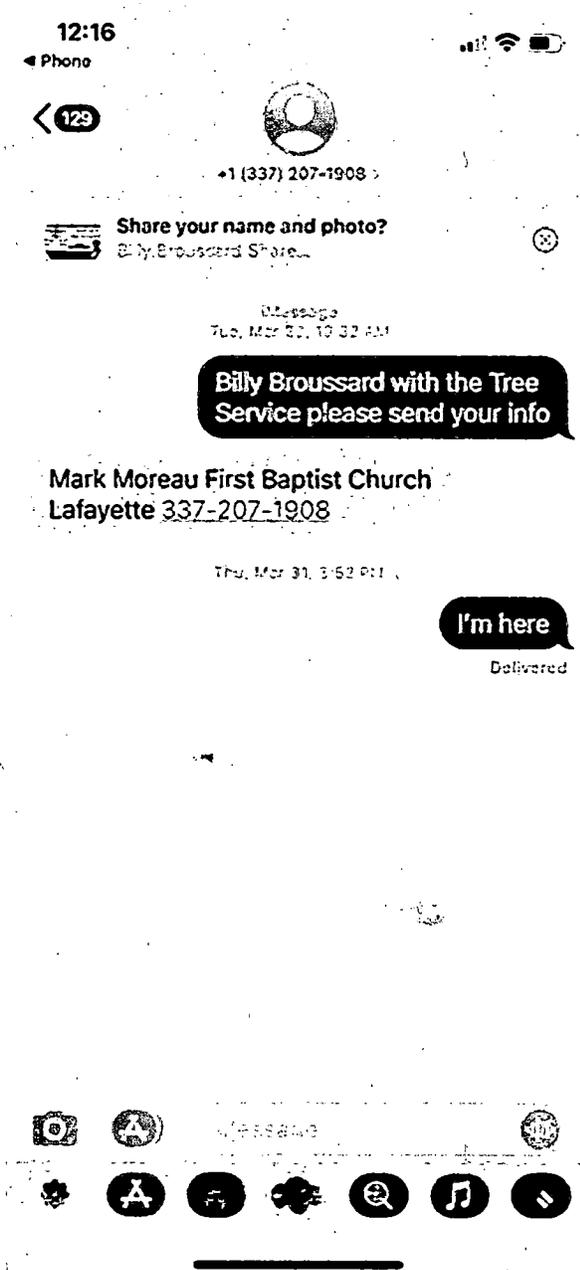


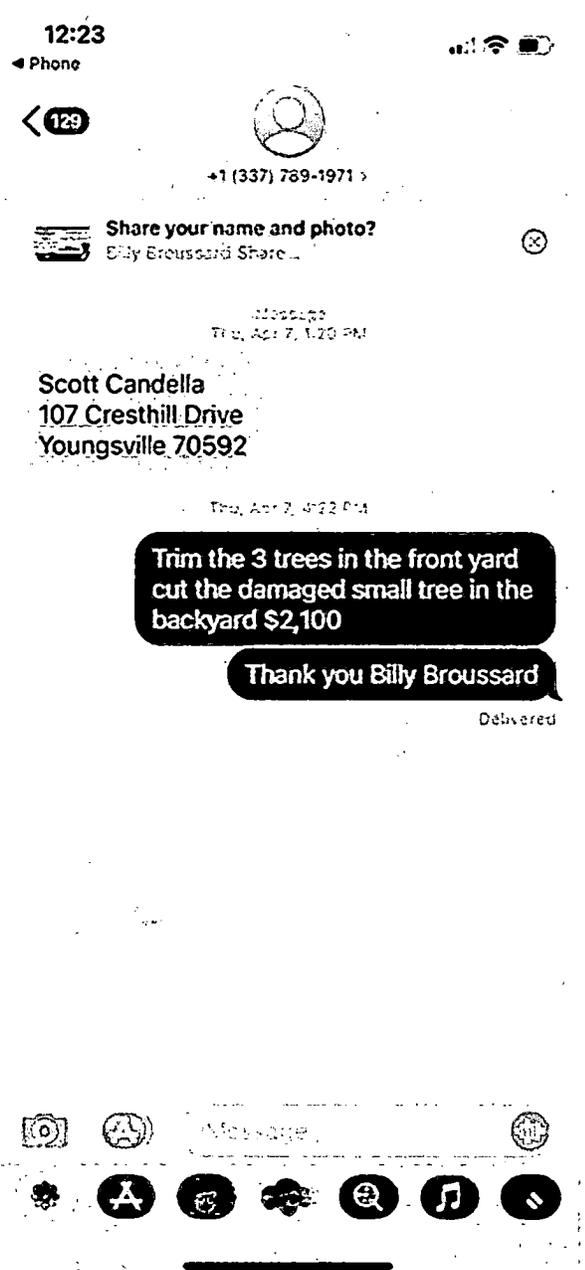
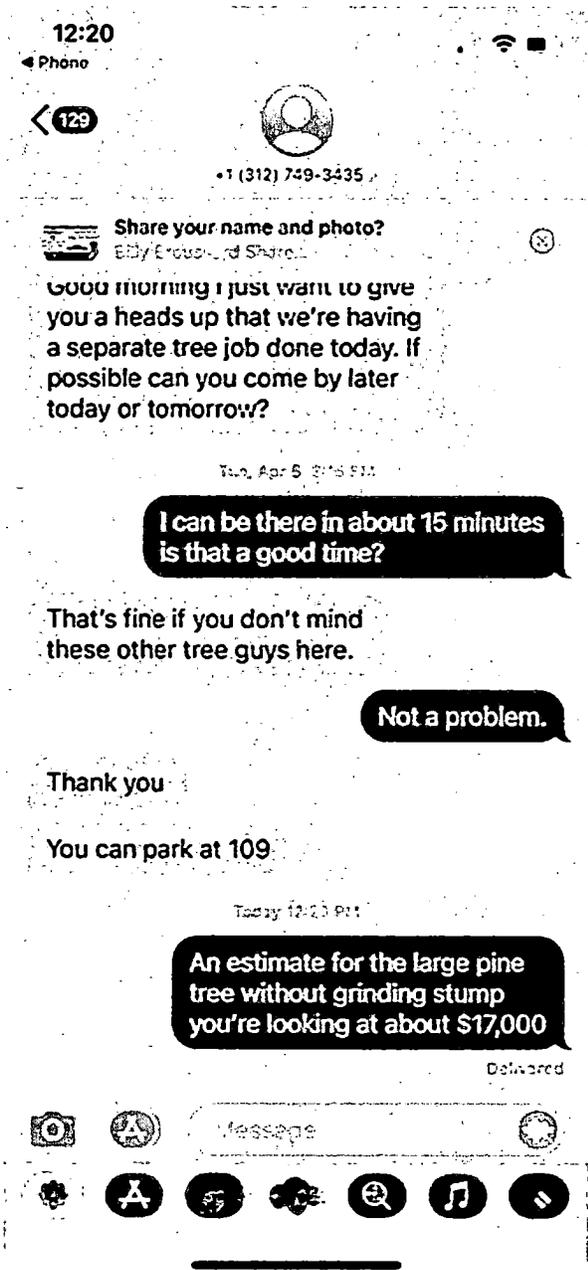
This is Billy Broussard with the Tree Service please send your info

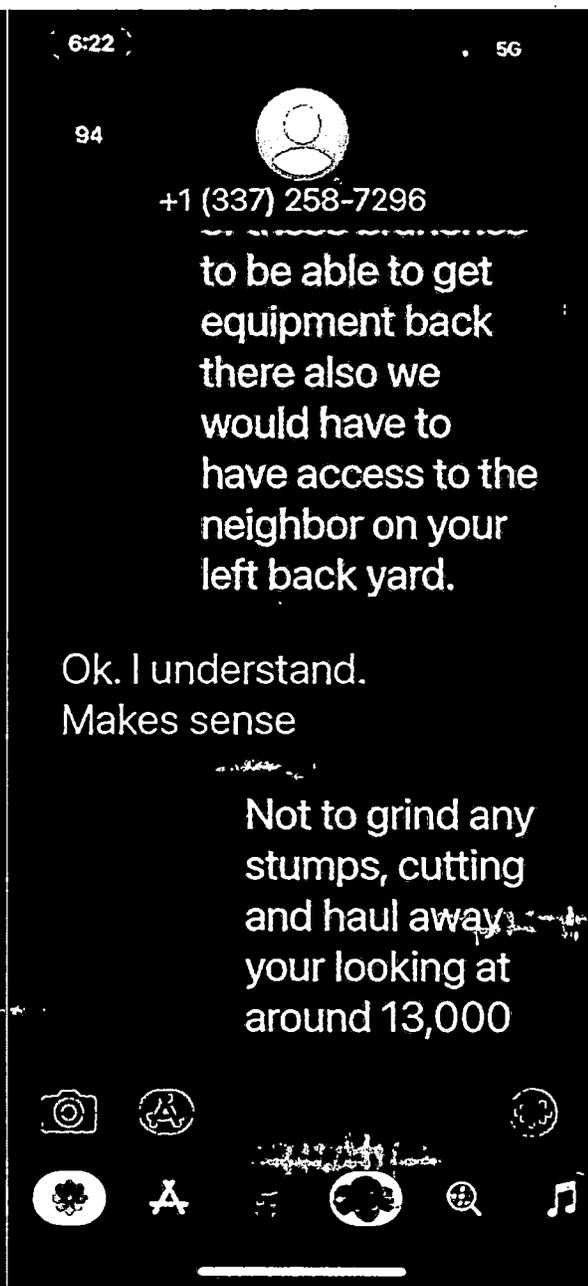
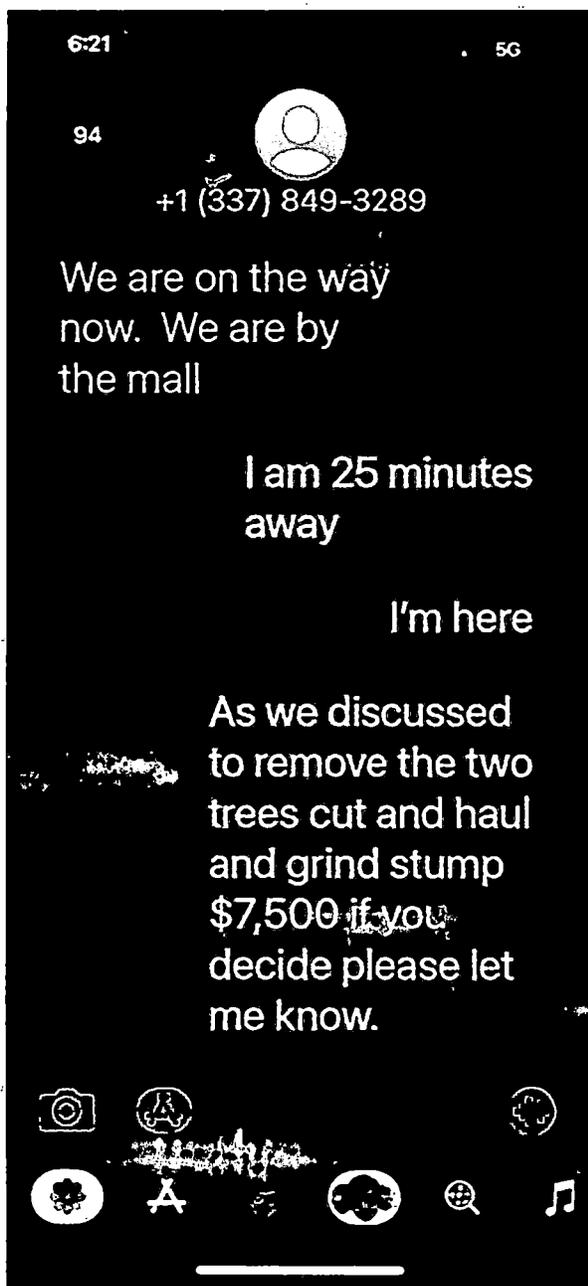
Remove two Red oaks not to grind stump \$6,000

Delivered









CITATION RULE

BROUSSARD, BILLY

Versus

FATHERREE, DWAYNE - ET AL



Case: 091869
Division: B
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:
WICK COMMUNICATIONS COMPANY
THROUGH CORPORATION SERVICE CORPORATION
8825 N 23RD AVENUE SUITE 100
PHOENIX, AZ 85021

VIA LONG ARM.

You are hereby cited to show cause in the District Court Room, at the Courthouse, 415 S. Main St., St. Martinville, Louisiana, on the 28TH day of FEBRUARY, 2023 at 10:00o'clock A.M. why the rule issued by this Court under date of JANUARY 31, 2023, a certified copy whereof is hereto attached, should not be made absolute.

ST. MARTINVILLE, LOUISIANA, 1ST day of FEBRUARY, 2023.

Jordan Amin

Deputy Clerk of Court, St. Martin Parish, LA.

REQUESTED BY:
BILLY BROUSSARD
PROPER PERSON

Service Information

Received on the ___ day of ___, 20___ and on the ___ day of ___, 20___ served the above named party as follows:

Personal Service on the party herein named ___
Domiciliary Service on the party herein named by leaving the same at his/her domicile in the parish in the hands of ___, a person apparently over the age of seventeen years, living and residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his/her residence at the time of said service.

Returned:
Parish of ___ this ___ day of ___, 20___

Service \$ ___

Mileage \$ ___

Total \$ ___

By: ___ Deputy Sheriff

TO: BILLY BROUSSARD
1307 SOUTH MAIN
BREAUX BRIDGE, LA 70517

FROM: Becky P. Patin
Clerk of Court, St. Martin Parish
P. O. Box 308, St. Martinville, LA 70582
Phone: 337-394-2210 Fax: 337-394-7772

RE: SUIT NO. 91869

PROBATE NO. _____

BILLY BROUSSARD

VS.

DWAYNE FATHERREE, ET AL

I AM ENCLOSING (1) CITATION RULE, ALONG WITH TRUE COPIES OF THE WRITTEN REASONS FOR ISSUANCE OF DEFAULT JUDGMENT. FOR SERVICE ON WICK COMMUNICATIONS COMPANY THROUGH THE LOUISIANA LONG ARM STATUTE.

Date of Notice February 1, 2023

Jordan Currier
Deputy Clerk of Court

NOTICE OF FIXING CASE FOR TRIAL

BROUSSARD, BILLY

Versus

FATHERREE, DWAYNE - ET AL



Case: 091869
Division: B
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:

BILLY BROUSSARD
1307 SOUTH MAIN
BREAUX BRIDGE, LA 70517

DAPHNE M. LANCASTER
ATTORNEY AT LAW
201 ST. CHARLES AVE., SUITE 2500
NEW ORLEANS, LA 70170

NOTICE IS HEREBY GIVEN that the above captioned and numbered matter has been set for trial on the RULE TO SHOW CAUSE FILED BY BILLY BROUSSARD on FEBRUARY 28, 2023, at 10:00 o'clock A.M. at the Courthouse, 415 S. Main St., St. Martinville Louisiana, before Judge SUZANNE M. DEMAHY as a 10TH fixing.

Uniform Rules requires that you file for all exceptions, motions and a pre-trial memorandum at least fifteen (15) calendar days before the hearing. Opposition memorandums shall be filed at least eight (8) calendar days before the hearing. Any reply memorandums must be received by Judge and all parties before 4:00 p.m. on a day that allows one (1) full work day before the hearing.

All motions for summary judgment must comply with CCP Article 966-B.

Failure to file and distribute the memorandum outlined shall subject said party to the assessment of costs by the Court or to be otherwise disciplined.

Rule 8.3 requires the attorney for Plaintiff to notify the Docket Clerk and the Trial Judge when a case that is fixed for trial is settled or continued by mutual agreement.

ST. MARTINVILLE, LOUISIANA, this 1ST day of FEBRUARY, 2023.

BECKY P. PATIN
Clerk of Court
St. Martin Parish

BY: Jordan Amin
Deputy Clerk of Court

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 091869

DIVISION B

BILLY BROUSSARD

VERSUS

DWAYNE FATHERREE, ET AL.

FILED: _____

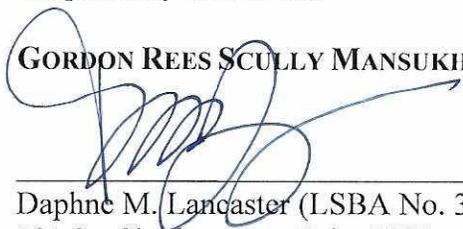
DEPUTY CLERK

REQUEST FOR NOTICE AND DESIGNATION FOR ELECTRONIC SERVICE

NOW INTO COURT, through undersigned counsel, come Defendants, Wick Communications Company and Dwayne Fatherree, and pursuant to Articles 1913 and 1914 of the Louisiana Code of Civil Procedure, requests that the Clerk give the undersigned counsel ten (10) day notice of the signing of any Order and/or Judgment herein. These Defendants also request written notice of the trial date, or the date set for hearing on any motions or pleadings in the captioned case, pursuant to the provisions of Article 1572 of the Louisiana Code of Civil Procedure.

Pursuant to Louisiana Code of Civil Procedure art. 1313(A)(4), these Defendants designate the following as the email address for receipt of electronic service: dlancaster@grsm.com

Respectfully submitted,

GORDON REES SCULLY MANSUKHANI, LLP


Daphne M. Lancaster (LSBA No. 34630)
201 St. Charles Ave., Suite 2500
New Orleans, Louisiana 70170
Telephone: (504) 528-3088
Facsimile: (504)208-3670
dlancaster@grsm.com

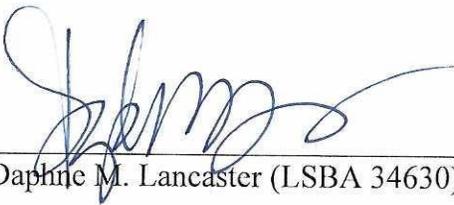
*Counsel for Defendants,
Wick Communications Company and
Dwayne Fatherree*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the foregoing Request for Notice on Plaintiff, Billy Broussard, via U.S. Mail, postage pre-paid, and electronic mail, as follows:

Billy Broussard, Plaintiff
1307 South Main
Breux Bridge, LA 70517
Billy@BillyBroussard.com

DATED: January 31st 2023.



Daphne M. Lancaster (LSBA 34630)

16TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. MARTIN

STATE OF LOUISIANA

NO. 091869

DIVISION B

BILLY BROUSSARD

VERSUS

DWAYNE FATHERREE, ET AL.

FILED: _____ DEPUTY CLERK

**ANSWER AND AFFIRMATIVE DEFENSES
TO PETITION FOR DAMAGES FOR LIBEL**

NOW INTO COURT, through undersigned counsel, come Wick Communications Company and Dwayne Fatherree (collectively referred to as “Defendants”), and based on available information and belief, submit the following in response to Plaintiff’s Petition for Damages for Libel (hereinafter “Petition”) as follows:

I. ANSWER

Defendants hereby respond to the individual paragraphs of the Petition, as follows:

1. The allegations of Paragraph 1 of the Petition are admitted based on available information and belief.
2. Except to admit that Wick Communications Company is a foreign corporation and that Dwayne Fatherree is a former employee of Wick Communications Company, the allegations of Paragraph 2 of the Petition are denied for lack of sufficient knowledge to justify a belief therein.
3. The allegations of Paragraphs 3 through 30 of the Petition are denied and strict proof thereof demanded insofar as they assert or intend to assert any fault or liability of or against Defendants. Otherwise, said allegations are denied for lack of sufficient knowledge to justify a belief therein.
4. The allegations of Paragraphs 31 and 32 of the Petition are denied and strict proof thereof demanded; it being specifically denied that Plaintiff is entitled to recover the damages sought, or any damages or relief of any kind, whether individually or collectively, from the Defendants. Further, said allegations constitute legal conclusions and are denied as such.

FIFTH DEFENSE

Defendants affirmatively aver that there is no liability because the allegations of the Petition are not sufficient to constitute fault for purposes of LSA-C.C. Art. 2315 and as such, the Petition should be dismissed.

SIXTH DEFENSE

Defendants affirmatively aver that Plaintiff has failed to join persons indispensable to this action and, therefore, the Petition should be dismissed, or this action should be stayed pending the grant of appropriate relief by the Court.

SEVENTH DEFENSE

Defendants affirmatively aver that the alleged injuries complained of herein, if any, were caused by the intervening acts of persons, parties, or entities over whom Defendants had no control, and for whose actions Defendants have no legal responsibility.

EIGHTH DEFENSE

Defendants affirmatively aver that Plaintiff has failed to mitigate his damages, if any.

NINTH DEFENSE

Defendants affirmatively aver that the claims asserted against them are barred by the applicable statutes of limitation, statute of repose, doctrine of laches, and/or waiver.

TENTH DEFENSE

Defendants affirmatively aver that if Plaintiff suffered damages as alleged, which is denied, any claim therefor is speculative and does not warrant recovery.

ELEVENTH DEFENSE

Defendants reserve the right to supplement and/or amend this Answer to assert additional defenses and other claims as discovery proceeds.

WHEREFORE, having fully answered the allegations of Plaintiff's Petition for Damages for Libel, Defendants, Wick Communications Company and Dwayne Fatherree, pray that, after due proceedings be had, there be judgment rendered in their favor and against Plaintiff, dismissing any and all of Plaintiff's claims with prejudice and at Plaintiff's cost.

NOTICE OF FIXING CASE FOR TRIAL

BROUSSARD, BILLY

Versus

FATHERREE, DWAYNE - ET AL



Case: 091869
Division: B
16th Judicial District Court
Parish of St. Martin
State of Louisiana

TO:

BILLY BROUSSARD
1307 SOUTH MAIN
BREAUX BRIDGE, LA 70517

DAPHNE M. LANCASTER
ATTORNEY AT LAW
201 ST. CHARLES AVE., SUITE 2500
NEW ORLEANS, LA 70170

NOTICE IS HEREBY GIVEN that the above captioned and numbered matter has been set for trial on the RULE TO SHOW CAUSE FILED BY BILLY BROUSSARD on FEBRUARY 28, 2023, at 10:00 o'clock A.M. at the Courthouse, 415 S. Main St., St. Martinville Louisiana, before Judge SUZANNE M. DEMAHY as a 10TH fixing.

Uniform Rules requires that you file for all exceptions, motions and a pre-trial memorandum at least fifteen (15) calendar days before the hearing. Opposition memorandums shall be filed at least eight (8) calendar days before the hearing. Any reply memorandums must be received by Judge and all parties before 4:00 p.m. on a day that allows one (1) full work day before the hearing.

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Failure to file and distribute the memorandum outlined shall subject said party to the assessment of costs by the Court or to be otherwise disciplined.

Rule 8.3 requires the attorney for Plaintiff to notify the Docket Clerk and the Trial Judge when a case that is fixed for trial is settled or continued by mutual agreement.

ST. MARTINVILLE, LOUISIANA, this 1ST day of FEBRUARY, 2023.

BECKY P. PATIN
Clerk of Court
St. Martin Parish

BY: *Jordan Currier*

Deputy Clerk of Court

BILLY BROUSSARD

NUMBER 91869 DOCKET: "B"

16TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST MARTIN

DWAYNE FATHERREE,
WICK COMMUNICATIONS COMPANY

STATE OF LOUISIANA

FILE

**WRITTEN REASONS FOR ISSUANCE OF DEFAULT JUDGMENT AND
DEFAULT JUDGMENT**

NOW UNTO COURT comes Petitioner, Billy Broussard, in proper person, who files these Written Reasons for Issuance of Default Judgment and Default Judgment against the above-named Defendant, WICK COMMUNICATIONS COMPANY, pursuant to LA CCP 1702 as amended by Act # 174 of the 2021 Regular Louisiana Legislative Session. With respect to same, Plaintiff does hereby allege, espouse, attest, and state as follows, to wit:

1.

That he filed suit against Defendant, WICK COMMUNICATIONS COMPANY for Defamation on July 21, 2022.

2.

An Affidavit of Service upon Defendant WICK COMMUNICATIONS COMPANY through Louisiana's Long Arm Statute was filed into the Court record on August 11, 2022.

3.

An Affidavit of Service upon Defendant Dwayne Fatherree through Louisiana's Long Arm Statute was filed into the Court record on September 27, 2022.

4.

In addition to serving Defendant, WICK COMMUNICATIONS COMPANY, via Louisiana's Long-Arm Statute, Plaintiff also notified one of the primary principals, FRANCIS WICK, listed on Defendant, WICK COMMUNICATIONS', website of the lawsuit via email. Additionally, Plaintiff sent several follow-up emails to FRANCIS WICK containing direct links to features on the video blog *Sound Off Louisiana* with said features either directly pertaining Plaintiff's lawsuit against Defendant, WICK COMMUNICATIONS COMPANY (including a direct link to view and/or download a copy of the lawsuit on the initial email sent on July 26, 2022 at 5:02 p.m.), or further

9.

Plaintiff was forced to raise his bid amounts on the jobs referenced in Paragraph 8 and as itemized in Exhibit "C" as a direct result of Defendant's defamatory and blatantly false accusations contained in that article entailing Plaintiff "burning," which formed the basis for an improper (and likely illegal) Restraining Order to be issued against Plaintiff. Additionally, as evidenced by certain jobs itemized in Exhibit "C," for which the extended amounts are zero, Plaintiff knew the jobs were simply too small for him to be able to submit a bid to include the added and unnecessary hauling costs for Plaintiff to have any shot whatsoever at obtaining those jobs.

10.

Plaintiff includes only jobs for March 3, 2022 onward, the date upon which a second Restraining Order was placed upon Plaintiff again resulting from Defendant WICK COMMUNICATIONS COMPANY'S blatantly false emphatic publications that Plaintiff was "burning" when Plaintiff engaged in no such activity, nor did anyone, other than Defendant Dwayne Fatherree and Defendant, WICK COMMUNICATIONS COMPANY, through their defamatory publication, ever assert that Plaintiff was "burning."

11.

Plaintiff includes (as Exhibit "C") a highly detailed itemization of jobs lost as a result of Plaintiff being forced to increase the otherwise-applicable bids to offset the added hauling costs which Plaintiff would have incurred were it not for the defamatory publication by Defendant WICK COMMUNICATIONS COMPANY on or around August 4, 2021.

12.

Because the Temporary Restraining Order was permitted to dissolve by operation of law on or around September 21, 2021, Plaintiff includes no jobs bid upon in 2021 during the brief period that Restraining Order was in place.

13.

In arriving at the final amount of the Default Judgment, Plaintiff totaled all of the jobs lost as a result of bids being lost by virtue of increased hauling costs and multiplied

those gross bids by 65%, representing the average profit margin for similar jobs Plaintiff has obtained over his numerous years in the tree service business.

14.

The result of the computations referenced in Paragraph 13 is \$287,163.75, which is the amount of the Default Judgment sought from this Honorable Court as damages Plaintiff has incurred as a direct result of Defendant, WICK COMMUNICATIONS COMPANY'S, acts of defamation in the article published entailing Plaintiff on or around August 4, 2021.#

15.

The detailed computations for the \$287,163.75 Default Judgment are attached hereto and made a part hereof as Exhibit "C."

Accordingly,

~~IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that a Default Judgment be entered in the amount of \$287,163.75 in favor of Plaintiff, Billy Broussard, and against Defendant WICK COMMUNICATIONS COMPANY in the full and true sum of Two-Hundred Eight-Seven Thousand One-Hundred Sixty-Three Dollars and Seventy-Five Cents (\$287,163.75).~~

It is hereby ordered that pursuant to La. C.C.P. 1702(B)(2) that additional evidence in the form of oral testimony be presented to the court on February 28, 2023 at 10:00 am before Judge Suzanne de Maha before any entering of default judgment. as a 10th filing

Suzanne de Maha
Judge Suzanne deMaha

Note to Clear of Court:

Please Notice:

Billy Broussard
1307 South Main
Breaux Bridge LA 70517-5403
Wick Communications Company through
- Corporation Service Corporation
8825 N 23rd Avenue Suite 100
Phoenix AZ 85021

A TRUE COPY
ATTEST *[Signature]*
DEPUTY CLERK OF COURT

RECEIVED AND FILED
2023 JAN 12 PM 4: 21

[Signature]
DEPUTY CLERK OF COURT
ST. MARTIN PARISH