

CARL CAVALIER

DOCKET: DIVISION:
19th JUDICIAL DISTRICT COURT
PARISH OF EAST BATON-ROUGE

VERSUS

LOUISIANA STATE POLICE COMMISSION STATE OF LOUISIANA

PETITION FOR WRIT OF MANDAMUS

NOW INTO COURT, in proper person comes Carl Cavalier (hereinafter "Petitioner"), who represents the following:

1.

Made Defendant herein is the Louisiana State Police Commission (hereinafter "Commission"), a public entity, created by Article X, Part IV, Sec.41-51 of the Louisiana Constitution, having the capacity to sue and be sued.

2.

Petitioner asserts in this proceeding that he currently has three (3) administrative matters pending before Defendant regarding his former employment with the Louisiana State Police ("hereinafter "LSP"). These matters bear docket numbers 21-257 -S; 21-256-D; 22-261-T; and are attached to this petition as Exhibit ("A").

3.

A review of Commission agendas beginning July 2021, reveals that Defendant has consistently and repeatedly refused to set Petitioner's administrative appeals for hearing.

4.

Petitioner alleges that almost twenty-four (24) months have elapsed since the filing of his first administrative appeal and Defendant has made no effort to set the matters for hearing or reach settlement.

5.

On May 11, 2023, in open meeting a Commission member incorrectly stated that all of Petitioner's pending matters being dismissed through a federal lawsuit. This is untrue and incorrect. Petitioner is the moving party in a federal lawsuit¹ bearing docket number 3:21-cv-00656-JWD-RLB currently pending in the U.S. District Court: Middle District of Louisiana. The settlement or dismissal of the federal lawsuit has no bearing on the administrative matters pending before the Commission.

6.

Petitioner avers that Defendant's refusal to docket and timely hearing his pending administrative matters is a violation of Commission Rule 13.4.

7.

Petitioner avers that the deliberate and intentional delays by the Commission have had detrimental effects on his income and quality of life. The law provides no relief by ordinary means to obtain the administrative hearings other than by the issuance of a Writ of Mandamus, directed to the

¹ The subject of the federal lawsuit is petitioner's actions as a "whistleblower" in connection with his previous employer, Louisiana State Police.

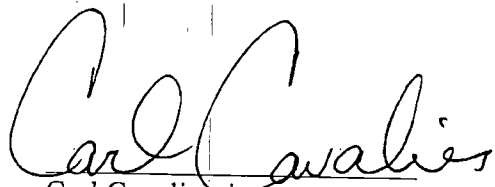
Commission to perform their ministerial duties as required by law, to comply with the judgment of this Honorable court and to have Petitioner's matters be heard and properly decided.

8.

Petitioner is therefore entitled to and requests that this Honorable Court issue a Writ of Mandamus, directed to the Louisiana State Police Commission immediately schedule all three (3) of Petitioner's pending administrative matters for hearing in accordance with the law.

NOW WHEREFORE, Carl Cavalier prays that the above and foregoing petition be granted, and a Writ of Mandamus issue immediately compelling Defendant to immediately set any and all administrative matters where Petitioner is a party for hearing, or in the alternative, ordered to appear and show cause to the contrary as expeditiously as possible in accordance with the provisions of La. C.C.P. Art. 3865.

PETITIONER FURTHER PRAYS that Defendant be cast with all costs of this proceeding and for any and all additional relief afforded at law and equity, based on the premise of this matter.



Carl Cavalier, in proper person
248 Ciera Drive
Houma, LA 70364
(504) 316-0351

PLEASE SERVE:
Louisiana State Police Commission
5825 Florida Blvd. Suite 1180
Baton Rouge, LA 70806

CARL CAVALIER

DOCKET: DIVISION:

19th JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA STATE POLICE COMMISSION STATE OF LOUISIANA


ORDER

CONSIDERING the above and foregoing petition, and the record of this proceeding:

IT IS HEREBY ORDERED that an alternative writ of Mandamus issue immediately, directed to the Louisiana State Police through its Director _____, instructing them to comply with the judgment of this court, and to immediately docket the administrative matters currently pending here. Carl Cavalier, is the appellant, or alternatively to show cause to the contrary on the ____ day of _____, 2023 at ____ o'clock.

It is hereby ordered that a hearing be held on the 7th day of August 2023 at 10:00 am and Defendant, be served with the foregoing motion and copy of this order, directing Defendant to appear and show cause why a writ of Mandamus should not be issued.

SO ORDERED at Baton Rouge, Louisiana on this 06 day of June, 2023.



Judge, 19th JDC HONORABLE DONALD R. JOHNSON

Please Serve:

State Police Commission
through its Executive Director,
Jason Hannaman
Department of Agriculture and Forestry
5825 Florida Boulevard, Suite 1180
Baton Rouge, Louisiana 70806

Jason Hannaman
at Louisiana State Police Commission
5825 Florida Boulevard, Suite 1180
Baton Rouge, Louisiana 70806

Jeff Landry
Louisiana Attorney General
1885 N. 3rd Street
Baton Rouge, Louisiana 70802

Carl Cavalier
248 Ciera Drive
Houma, LA 70364



State Police Commission

Post Office Box 66555
Baton Rouge, LA. 70896-6555
Phone (225) 925-7057
Fax (225) 925-7058
www.laspc.com

John Bel Edwards
Governor

Jason Hannaman
Executive Director

August 16, 2022

Colonel Lamar Davis
Department of Public Safety and Corrections
Office of State Police
Post Office Box 66614
Baton Rouge, Louisiana 70896-6614

In Re: Appeal of Carl Cavalier (Docket No. 21-256-D),
(Department of Public Safety and Corrections, Office of State
Police)

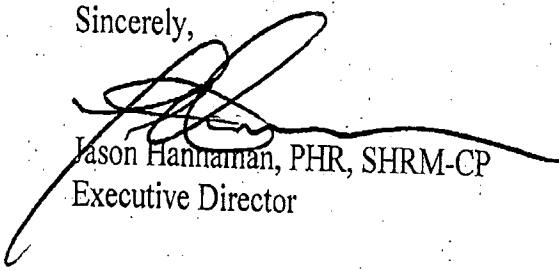
Dear Colonel Davis:

Ms. Gail C. Holland, Deputy General Counsel representing the appellee in connection with the above-referenced appeal, has requested your presence and the following employees of the Department of Public Safety and Corrections, Office of State Police, at the hearing of the appeal on **September 8, 2022 at 9:00 a.m.** in the Veterans Memorial Auditorium, Suite 1247, Department of Agriculture & Forestry Building, 5825 Florida Blvd., Baton Rouge, Louisiana 70806:

- Ginger Krieg
- Alana Collins

In lieu of issuing formal subpoenas, and subpoenas duces tecum, and pursuant to the provisions of State Police Commission Rule 13.13(c), please appear and compel the attendance of the above-listed employees at the hearing, as well as the production of all items requested. All subpoenas remain in effect unless canceled by the Executive Director.

Sincerely,


Jason Hannaman, PHR, SHRM-CP
Executive Director

cc: (Mr. Carl Cavalier)
Ms. Gail C. Holland
Tunde M. Animashaun
Jill L. Craft
W. Brett Conrad, Jr.
Ms. Lenore Feeney

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State Police Commission

Post Office Box 66555
Baton Rouge, LA. 70896-6555
Phone (225) 925-7057
Fax (225) 925-7058
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John Bel Edwards
Governor

Jason Hannaman
Executive Director

October 19, 2021

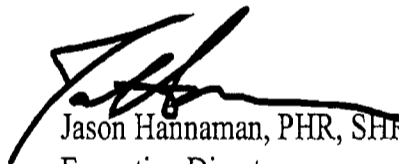
Carl Cavalier
248 Ciera Drive
Houma, Louisiana 70364

Re: Appeal of Carl C. Cavalier (Department of Public Safety and Corrections,
Office of State Police) Docket No. 21-257-S

NOTICE OF DOCKETING

This appeal referenced above was filed in this office October 19, 2021 by Carl C. Cavalier, via hand delivery. The fact that this appeal was docketed does not constitute an opinion as to the sufficiency or validity of the appeal and does not prevent its dismissal under State Police Commission Rule 13.5.

Sincerely,



Jason Hannaman, PHR, SHRM-CP
Executive Director

cc: Colonel Lamar Davis
M. Lenore Feeny
Office of Legal Affairs
Internal Affairs

AN EQUAL OPPORTUNITY EMPLOYER

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State Police Commission

Post Office Box 66555
Baton Rouge, LA. 70896-6555
Phone (225) 925-7057
Fax (225) 925-7058
www.laspc.com

John Bel Edwards
Governor

Jason Hannaman
Executive Director

June 15, 2022

NOTICE OF HEARING

LOUISIANA STATE POLICE COMMISSION

Veteran's Memorial Auditorium, Suite 1247
Dept. of Agriculture & Forestry Bldg.
5825 Florida Blvd.
Baton Rouge, Louisiana 70806

JULY 28, 2022

8:00 a.m. Public hearing of the Appeal of Carl Cavalier (Department of Public Safety and Corrections, Office of State Police), Docket No. 21-257-S.
Jill Craft and W. Brett Conrad, Jr. represent the Appellant, Carl Cavalier and Gail Holland and Tunde M. Animashaun represent the Office of State Police.

cc: ~~Carl Cavalier~~
Jill L. Craft
W. Brett Conrad, Jr.
Gail Holland
Tunde M. Animashaun
M. Lenore Feeney



State Police Commission

Post Office Box 66555
Baton Rouge, L.A. 70896-6555
Phone (225) 925-7057
Fax (225) 925-7058
www.laspc.com

John Bel Edwards
Governor

Jason Hannaman
Executive Director

OCTOBER 10, 2022

NOTICE OF HEARING

LOUISIANA STATE POLICE COMMISSION

Veteran's Memorial Auditorium, Suite 1247
Dept. of Agriculture & Forestry Bldg.
5825 Florida Blvd.
Baton Rouge, Louisiana 70806

NOVEMBER 10, 2022

9:00 a.m. Public hearing of the Appeal of Carl Cavalier (Department of Public Safety and Corrections, Office of State Police), Docket No. 22-261-T.
Jill Craft and W. Brett Conrad, Jr. represent the Appellant, Carl Cavalier and Gail Holland and Tunde M. Animashaun represent the Office of State Police.

cc: Carl Cavalier
Jill L. Craft
W. Brett Conrad, Jr.
Gail Holland
Tunde M. Animashaun
M. Lenore Feeney

AN EQUAL OPPORTUNITY EMPLOYER

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State Police Commission

Post Office Box 66555
Baton Rouge, LA. 70896-6555
Phone (225) 925-7057
Fax (225) 925-7058
www.laspc.com

John Bel Edwards
Governor

Jason Hannaman
Executive Director

August 25, 2022

Colonel Lamar Davis
Department of Public Safety and Corrections
Office of State Police
Post Office Box 66614
Baton Rouge, Louisiana 70896-6614

In Re: Appeal of Carl Cavalier (Department of Public Safety and
Corrections, Office of State Police), Docket No. 21-256-D

Dear Colonel Davis:

Ms. Jill L. Craft, attorney at law representing the appellant in connection with the above-referenced appeal, has requested **your** presence and the following employees of the Department of Public Safety and Corrections, Office of State Police, at the hearing of the appeal on **September 8, 2022 at 9:00 a.m.** in the Veterans Memorial Auditorium, Suite 1247, Department of Agriculture & Forestry Building, 5825 Florida Blvd., Baton Rouge, Louisiana 70806:

Lieutenant Colonel Kenny Van Buren
Trooper Troy Pichon
Lieutenant Draper Crain
Trooper Jarrod Miles

Trooper Leander Journee
Sergeant David Flauss
Sergeant Kevin Leachman
Ashley Livous Wilson

Additionally, Ms. Craft has requested that a subpoena *duces tecum* be issued to you to produce the following documents on behalf of appellant:

1. True and correct complete copy of any and all written, recorded, and/or audio statements, affidavits, notes, documents, text messages, and/or emails, of any kind, relating or pertaining, in any manner, Carl Cavalier's leave, request for accommodations, and/or request for FMLA leave.
2. True and complete copies of any and all text messages and/or emails between Superintendent Lamar Davis, Lieutenant Colonel Kenny Van Buren, Lieutenant Draper Cain, Trooper Leander Journee, Trooper Troy Pichon, Sergeant David Flauss, Sergeant Kevin Leachman, Trooper Jarrod Miles,

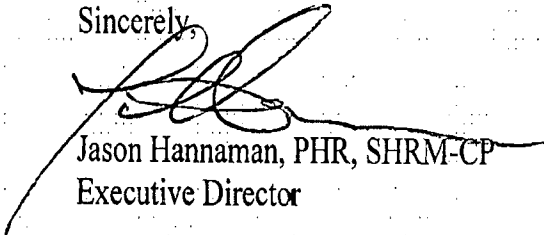
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Christopher McClelland, Ginger Krieg, Alana Collins, and/or Ashley Livous Wilson regarding, in any manner, the term "Cavalier" AND any of the remaining terms listed within the time period stated: "enforced leave", "leave", "FMLA", "Family Medical Leave Act", "mental anguish", "doctor", "Victor Sims", "Sims Social Services, LLC", "counselor", "stress", "anxiety", "depression", "emotional distress", "accommodation", "ADA", "Americans with Disability Act", "retaliation", and/or "reprisal", during the period of time between June 1, 2021, through June 30, 2021.

3. True and complete copies of any and all policies, handbooks, manuals, and/or orders, regarding, in any manner, leave, forced leave, FMLA, accommodations, and/or the ADA in effect during the period of time between June 1, 2021, through present.
4. True and complete copies of Carl Cavalier's FMLA and/or ADA file.

In lieu of issuing formal subpoenas, and subpoenas duces tecum, and pursuant to the provisions of State Police Commission Rule 13.13(c), please appear and compel the attendance of the above-listed employees at the hearing, as well as the production of all items requested. All subpoenas remain in effect unless canceled by the Executive Director.

Sincerely,


Jason Hannaman, PHR, SHRM-CP
Executive Director

cc: ~~Mr. Carl Cavalier~~
Ms. Gail C. Holland
Tunde M. Animashaun
Jill L. Craft
W. Brett Conrad, Jr.
Ms. Lenore Feeney

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