

19TH JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA

LOUISIANA STATE TROOPERS \* NUMBER: 672,676 SEC: 24  
ASSOCIATION, JAMES O'QUINN, ET \*  
AL \*  
VERSUS \*  
STATE POLICE COMMISSION, ET AL \*

**MEMORANDUM IN SUPPORT OF MOTION TO STRIKE**

**MAY IT PLEASE THE COURT:**

This Memorandum in Support of Motion to Strike is submitted on behalf of Defendants, the Louisiana State Police Commission (hereafter referred to as "LSPC") and the Executive Director of the LSPC, Jason Hannaman (hereafter referred to as "Mr. Hannaman"). Defendants ask the Court to either strike on its own motion, or alternatively, on Defendants' motion, paragraphs 119 and 120 contained in Plaintiffs' Proposed Findings of Fact and Conclusions of Law for the reasons that follow.

This case was tried before the Honorable Donald R. Johnson on November 3, 2022. The last witness for the defense was Mr. Eulis Simien. During cross examination, counsel for Plaintiffs asked Mr. Simien whether the law firm of which he is a member made political contributions to which he responded, "My law firm does not make political contributions since I have been a member of the Commission."<sup>1</sup> Counsel for Plaintiffs also inquired about whether anyone made political contributions on his behalf during his tenure as a commissioner to which Mr. Simien responded, "Of course not."

After Mr. Simien's testimony, both sides rested and the Court adjourned with instructions for counsel to present the Court with proposed findings of fact and conclusions of law, a proposed judgment and written closing arguments. As Mr. Simien and counsel for Defendants exited the building, Mr. Simien recalled that his law partner, Jimmy Simien, had in fact made a political donation and shortly thereafter, Mr. Simien and counsel encountered counsel for Plaintiffs, Mary Ann White and Floyd Falcon, outside the courthouse. Mr. Simien advised Ms. White and Mr.

<sup>1</sup> Trial Testimony of Eulis Simien, page 155, lines 18-25.  
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Falcon that he had forgotten that his law partner had in fact made a political contribution. Counsel for Plaintiffs laughed, and Mr. Falcon stated that they had the paperwork with them, implying that they could have impeached Mr. Simien but chose not to do so.

Several days later, Mr. Simien prepared a letter to the Court in which he recounted his testimony on November 3, 2022, and his failure to recall that a political contribution had been made by his law partner. He apologized to the Court for his error in his testimony.

On Friday evening, January 13, 2023, at 7:43 p.m., Mary Ann White emailed a Motion to Supplement the Record to undersigned counsel and advised that the motion had been e-filed that evening with the Court. These actions were taken ahead of the Monday, January 16, 2023, deadline (MLK holiday) for counsel to submit proposed findings of fact and conclusions of law, a proposed judgment and post-trial brief or a written, closing argument with the Court.

Plaintiffs attached as exhibits to the Motion to Supplement: (Exhibit 1) a copy of the letter Mr. Simien sent to the Court apologizing for his failure to recall, while on the stand, a campaign contribution by his law partner; (Exhibit 2) a document entitled “Search Results for Electronically Filed Campaign Finance Contributions;” (Exhibit 3) a document purporting to have the insignia of the Secretary of State and which describes the legal status of Mr. Simien’s law firm and (Exhibit 4) an excerpt from the transcript of the trial. Defendants e-filed an opposition to the Motion to Supplement on January 18, 2022.

Without an order from the Court allowing supplementation of the record two months after the trial, Plaintiffs added information from Exhibit 2, a document entitled “Search Results for Electronically Filed Campaign Finance Contributions;” to their **Findings of Fact and Conclusions of Law** as though it were previously introduced into evidence at trial when, in fact it had not been introduced into evidence.<sup>2</sup> Counsel also alleged that Eulis Simien’s spouse contributed \$500 to a political campaign for Preston Castille, and this information was not introduced either through documents or testimony at trial.<sup>3</sup> See Exhibit A.

The allegations of fact contained in paragraphs 119 and 120 of Plaintiffs’ Proposed Findings of Fact and Conclusions of Law were never introduced through testimony or evidence

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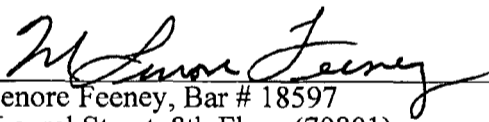
<sup>2</sup> Plaintiffs’ Findings of Fact and Conclusions of Law ¶119

<sup>3</sup> Plaintiffs’ Findings of Fact and Conclusions of Law ¶120

during the trial on November 3, 2022. These allegations were submitted without foundation and were not subject to cross examination or explanation; therefore, these allegations should be stricken as unreliable hearsay.

Counsel for Plaintiffs had the opportunity and, based on what Mr. Falcon advised outside the courthouse after the trial, had documentation with them, during the trial that could have been used to either refresh Mr. Simien's recollection while on the stand or to impeach his testimony. Plaintiffs did neither. Since the information contained in paragraphs 119 and 120 of Plaintiffs' Proposed Findings of Fact and Conclusions of Law is based on information that was not introduced through testimony or evidence at the trial on November 3, 2022, Defendants ask this Court to either strike paragraphs 119 and 120 from Plaintiffs' Proposed Findings of Fact and Conclusions of Law on its own motion, or alternatively, grant Defendants' Motion to Strike under C.C.P article 964.

Respectfully submitted,  
**TAYLOR, PORTER, BROOKS & PHILLIPS L.L.P.**


By   
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**Attorneys for Defendants, Louisiana State Police  
Commission and Jason Hannaman**

CERTIFICATE

I certify that a copy of the foregoing was this day sent via electronic mail and U.S. Mail, properly addressed and postage prepaid to all counsel of record.

Baton Rouge, Louisiana this 19<sup>th</sup> day of January, 2023.

  
M. Lenore Feeney