

BILLY BROUSSARD

NUMBER 92077 DOCKET: C

16TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST MARTIN

MENDY GIROUARD,
MELISSA DUBROC

STATE OF LOUISIANA

PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION FOR SANCTIONS PURSUANT TO LOUISIANA CCP ARTICLE 863

Because Defendants have intertwined this case with an "identical" (the exact word of Defendants at a recent Court Hearing of April 24, 2023 for which a transcript of that hearing is attached hereto and made a part hereof as Exhibit MOS-1) case, Plaintiff begins this Memorandum by quoting a portion of Defendants' Exception on that matter (Billy Broussard v. Scott Lopez and Benjamin Lopez, Docket # 91076-D //

Note: boldface emphasis is that of Plaintiff):

" A similar Exception of No Cause of Action was filed by Defendants in that case. The Exception hearing took place on February 15, 2023. Judge Borne granted Defendants' Exception and allowed Petitioner 15 days to either amend his Petition with valid allegations or voluntarily dismiss the suit. The Court sternly advised Petitioner that if a second No Cause/No Right of Action is filed by Defendants and granted, then the Court will assess all costs and attorney's fees to Petitioner at that time. **It is urged that this Court consider following suit to that of Judge Borne and grant the subject Exception of No Cause of Action with the same or similar consequences.**"

As this Honorable Court is well aware, Defendants' plea for Judge Pitman's Court to "consider following suit to that of Judge Borne" was made by Defendants notwithstanding Defendants' knowledge of Plaintiff's Motion to Recuse Trial Judge Borne over his "stern advice" (a phraseology to which Plaintiff takes strong exception as what was uttered in Court on February 15, 2023 could be construed as nothing short of threats which this Court reinforced five or six times and added, "Do you understand me?" as if Plaintiff were a criminal facing sentencing during one of the criminal matters on the docket that same day). This Court, on five or six occasions, and as reflected in the official court transcript included as an integral part of Plaintiff's Motion to Recuse Judge Vincent Borne, stated that Judge Borne **would** impose sanctions against Plaintiff if he amended his Petition, the Exception was re-urged, and the Exception was granted a second time.

RECEIVED AND FILED
2023 MAY 11 PM 3: 59

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

The Judge overseeing the Recusal Motion, First Circuit Court of Appeal Judge Walter Lanier III, whom the Louisiana Supreme Court appointed to hear the matter upon submission of the Motion by this Court, used the adjective of “artful” to describe Judge Borne’s repeated threats of sanctions made to Plaintiff as referenced above. Just as Plaintiff requested to be added to the Judgment’s wording for that hearing (with that request having been made fully reflected in the Judgment filed in this matter), “artful” has the following synonyms listed in the Merriam-Webster dictionary (among others): scheming, devious, deceitful, deceptive, dishonest, cheating, underhanded, untrustworthy, and unscrupulous.

Further, Judge Lanier stated that, because any such future imposition of attorney fees constituted a “contingent event,” the Court could not consider such a future contingency as part of the Court’s consideration of Plaintiff’s Motion to Recuse. There would be little point for Judge Lanier to reference that fact were it not to implicitly communicate that, had Judge Borne imposed any such sanctions on February 15, 2023, Judge Lanier would have granted the Motion to Recuse. A transcript of that hearing was requested on Wednesday, April 26, 2023; however, as of the date of this filing, Court Reporter Jennifer Dore’ has been so swamped with other demands upon her that she has not yet even been able to provide an invoice for her services, much less the actual transcript. Plaintiff merely references that fact for potential appeal purposes should that become necessary.

What Defendants are now attempting is an effort to recover from the apparent ineptitude of their Defense Counsel in failing to file a Special Motion to Strike Under Louisiana Code of Civil Procedure Article 971 at the outset of this litigation. Had they done so, this Honorable Court certainly could have granted the Special Motion to Strike and then had the sound statutory authority by which to award “reasonable attorney’s fees” which are plainly stated as being recoverable by the prevailing party upon the filing of such a Motion.

In fact, it is Plaintiff who has had to “guide” (and likely educate) Defendants and their Counsel on how they could have obtained legal fees, to wit:

#1) a contract exists between the parties calling for the prevailing party to recover attorney fees against the losing party (no such contract exists in the instant matter),

#2) a specific statute by which attorney fees may be awarded, and Defense Counsel Haik (despite his subtle initiative to this Court that it should “consider” awarding attorney fees upon Defendants’ filing of the Peremptory Exception) knows that no such provision is contained within LA CCP Article 934 pertaining to Peremptory Exceptions which would provide for the awarding of any attorney fees,

3) a party has formally moved for attorney fees through asserting LA CCP Article 863, which was not initially done in the instant matter but is now nevertheless being asserted (under an “Expedited Hearing” request no less under the mistaken belief that Plaintiff would be stupid enough to appear for such a hearing on April 3, 2023 notwithstanding the fact that he would have had not even a single day to prepare for such a hearing, much less file a formal Opposition Memorandum as he is now filing) because Defendants are engaging in a last-ditch, utterly desperate attempt to recover from the apparent legal ineptitude on the part of their attorney, OR

#4) asserting that Plaintiff violated a Court Order, which is completely inapplicable in the instant matter.

Defendants certainly could have asserted LA CCP Article 971 (Special Motion to Strike) and thereby utilized its statutory provision to formally seek reasonable attorney fees from Plaintiff Under LA CCP Article 971(B). That subsection states, in pertinent part: “In any action subject to Paragraph A of this Article, a prevailing party on a special motion to strike shall be awarded reasonable attorney fees and costs.” Defendants simply failed to file such a Motion, and this Court cannot bail Defendants out from their own attorney’s apparent ineptitude! Plaintiff literally counted the 90 days from Defendants being served in full anticipation that Defendants would file a 971 Motion, but they did not. Now, the 90-day window

from the time of service of the Petition upon Defendants has long since passed. Accordingly, they are now simply utterly desperate in filing the present utterly laughable Motion for Sanctions Pursuant to Louisiana CCP Article 863.

Plaintiff is an avid follower of the blog *Sound Off Louisiana*, and that blog has covered a number of high-profile cases of alleged Defamation to include Corey delaHoussaye (former FEMA and FBI fraud informant), Murphy Painter (former Commissioner of the Louisiana Alcohol and Tobacco Control Commission), and Calvin Braxton (former Louisiana State Police Commissioner).

Judging by Defendants' call for this Honorable Court to "consider" awarding attorney's fees upon the filing of the Peremptory Exception for which this Court repeatedly threatened Plaintiff with such an award should he file an amended Petition, the Exception be re-urged, and the exception deemed not to be cured by the Amended Petition, Defendants must believe that the State of Louisiana (Louisiana Office of Inspector General - OIG and Louisiana State Police - LSP) must be deploying some truly bone-headed defense attorneys to defend the taxpayers of this state. Why? Because, in the Painter matter, no less than 25 Peremptory Exceptions (the majority of which asserted No Causes of Action) were filed, and yet the defense attorneys never sought attorney's fees on behalf of the taxpayers of this state on a single one of those peremptory exceptions! Not one!

That defense firm, Taylor Porter in Baton Rouge, is not exactly a small-time law firm, yet never one time did that firm seek attorney fees **through the Exceptions themselves** against Painter! That is the case notwithstanding the fact that numerous Peremptory Exceptions were #1) filed, #2) granted, and #3) thereafter re-urged. In fact, in a Court hearing on July 25, 2022 in 19th JDC before Judge Wilson Fields, Defense Attorney for OIG, Amy Groves Lowe, complained that Painter had already had, "six bites at the apple," yet on none of those "bites" did Groves-Lowe or Preston Castille ever seek attorney fees on all of the numerous Exceptions filed in the case!

In fact, at one point during the 12-year litigation (which remains ongoing despite the fact that Defendants have yet to even have to file an answer), then-Judge Janice Clark stated in open court: "This case has become so convoluted with original Defendants out, new Defendants added, that the Court can no longer decipher where this case even stands. I am therefore asking Plaintiff's attorney (Al Robert, Jr.) to redraft the entire Petition from scratch so the Court can attempt to sort this all out." Once Robert complied, a brand-new round of Peremptory Exceptions of No Causes of Actions commenced, yet not one single time did Taylor Porter ever seek attorney fees on behalf of the taxpayers of Louisiana. Not once!

Perhaps it just may be that those attorneys at Taylor Porter knew that they had no statutory grounds to seek those sanctions and that Painter's attorney, Al Robert, Jr., would have vehemently objected, and those attorneys at Taylor Porter knew that the firm and the individual attorney, Preston Castille at the time, would have been made to appear as legal incompetents in even making such a "suggestion" of any of the judges who oversaw Painter's case (Clark reached mandatory retirement age before the suit was dismissed via Exceptions but which Painter has filed Notice of Devolutive Appeal and remitted the \$10,600 for launching that appeal).

The only difference between Painter and Plaintiff is that Plaintiff is pro se, so perhaps Defendants and this Court may have relied upon (and sought to exploit) Plaintiff's perceived lack of knowledge in even suggesting, much less threatening (on five or six occasions in one Court hearing), the imposition of sanctions in the form of Defendants' legal fees.

On September 7, 2022, *Sound Off Louisiana* published the latest status of the 12-year legal battle between Painter, former ATC Commissioner, and the Louisiana State Office of Inspector General (OIG). In the feature, which presumably Defendants read and watched since they readily reference *Sound Off Louisiana* features in court pleadings, founder Robert Burns, who religiously

attends court hearings, explained the then-status of the suit. Burns conveyed that he attended the entirety of Painter's 2013 criminal trial (he's actually done an eight-part series of interviews with Painter about that whole ordeal and timeframe). Burns also conveyed that he's attended every single hearing of Painter's civil defamation litigation.

Among the revelations Burns made in the feature entailing the suit being dismissed with prejudice for all Defendants was the fact that the OIG did in fact file a Motion under LA CCP Article 971 on behalf of one Defendant, Shane Evans (former investigator at OIG). That motion indicated that Evans had a right of free speech which afforded him the right to produce the material he did in his investigatory capacity as an OIG Agent. The Judge overseeing the hearing for the potential imposition of CCP Article 971 Sanctions, Judge Wilson Fields of the 19th JDC, granted the Special Motion to Strike.

Though Defendant Evans sought \$27,000 in such attorney fees, Judge Fields stated that he felt \$27,000 was "not reasonable," and instead awarded \$9,700 in attorney fees. A copy of that Judgment, which was signed by Judge Fields on August 19th 2022, is included in this Memorandum as Exhibit MOS-2.

Near simultaneously with the Painter judgment (Exhibit MOS-2), Calvin Braxton (former Member of the Louisiana State Police Commission) also was on the receiving end of an Order directing him to remit to Louisiana State Police the amount of \$50,376.25 as a result of that agency's attorney, Ben Mayeux (NeunerPate in Lafayette), successfully arguing a Louisiana CCP Article 971 Motion to Strike. That Judgment is included in this Memorandum as Exhibit MOS-3.

Since Defendants in the present matter failed to file a Motion for Attorney's Fees pursuant to LA CCP Article 971, Plaintiff can only surmise that either they felt that they could not prevail in such a Motion before this Court (they also failed to file such a Motion before Judge Pitman entailing Lopez but instead merely sought for Judge Pitman to, "follow suit to duplicate what Judge

Borne did"). As evidenced by Exhibit MOS-1, not only did Judge Pitman fail to follow this Court's lead, but Judge Pitman went out of his way (see bottom of Page 9 of the transcript MOS-1) to state:

"Mr. Haik, I know your clients are frustrated. I understand that completely, but I have an obligation to do what I think is best."

So, Judge Pitman politely explained to Defendants that he was not in any way conforming to Defendants' suggestion to Judge Pitman that he "follow suit" to what this Court did on February 15, 2023. More succinctly, he said, "I have an obligation to do what I think is best." Given the context of Judge Pitman's other commentary, he was essentially indicating that he was disinclined to award any attorney's fees because Louisiana CCP Article 934 does not permit him to do so!

Since Defendants admit that the instant matter constitutes an "identical" matter as the Lopez matter (see second paragraph of page four of Exhibit MOS-1), it begs the question of why Defendants have not filed an "identical" Motion for Sanctions Pursuant to LA CCP Article 863 in that matter (Broussard v. Lopez). The answer? Because Defendants know full well that such a filing would have landed with a loud thud in Judge Pitman's Courtroom, but somehow they believe this Court, which Defendants proved gullible enough to utter the ill-advised threats of February 15, 2013, would likewise view such a filing in a very different light than would Judge Pitman! That's why!

In fact, during a break in the hearing of the Motion to Recuse, Defense Counsel Haik stated to Plaintiff in the presence of numerous witnesses: "Mr. Broussard, you need to understand one thing: A judge can do whatever he wants. It doesn't matter what is stated in a Statute."

That statement is utterly profound, and Plaintiff contends that it serves as a demonstration on Defense Counsel Haik's part that he knew he was not on sound footing in even seeking attorney fees under the Peremptory Exception of each court case, yet he apparently operates under the presumption that if "he" makes such a request of a Judge in 16th JDC, that Judge has the prerogative to

honor that request irrespective of how out-of-bounds it may be with any statutory authority to which the Judge would otherwise be hamstrung. Regrettably, this Court simply went along with Haik's guidance to it on February 15, 2023, with the end result being Plaintiff filing a Motion to Recuse Trial Judge Borne as a result of the Court's actions and words on February 15, 2023.

While Defense Counsel Haik's statement about a judge's ability to do, "whatever he wants irrespective of what a Statute says," may in fact be true, Plaintiff suggests that any Judge who cares about his professional reputation to any degree at all would not show such reckless disregard for provisions of Statutes, Codes of Civil Procedure, and Local Rules. Plaintiff will point out that, entailing Local Rule 9.5, which this Court, Defense Counsel Haik, and Defense Counsel LeBlanc seemed to toss right out the window on February 15, 2023, is also something any professional attorney or Judge with ethics should strive to conform. Instead, the three parties worked in concert in an attempt to force Plaintiff to submit any objections to wording for the judgment associated with the February 15, 2023 hearing a mere four hours after the court hearing! In fact, Defense Counsel LeBlanc indicated in an email to Plaintiff that, in the absence of any such objections in that four-hour window, "we'll file it as is later today," and, when Plaintiff indicated that he wished to avail himself of his five-working-day period to review the Judgment's wording, Defense Counsel Haik, in demonstrating the ultimate in apparent authoritative rule much as a Sigma Nu Fraternity President may say to a pledge, stated: "It's not exactly up for discussion!" He further insisted that Plaintiff, "conform with the Judge's instruction of earlier today so that the judgment may be signed as he requested".

Plaintiff trusts that, in this present matter, this Court will appropriately show far more regard for such Statutes, Codes of Civil Procedure, and Local Rules, and not make a mockery of the judicial system upon which so many ordinary citizens rely. To do otherwise would merely further erode the trust that

the public at large has about the integrity of the judicial system in the state of Louisiana!

Again, as reflected by the transcript of the April 24, 2023 hearing (MOS-1), Defense Counsel stated this case is “identical” to the Lopez matter. Interestingly enough, Judge Borne signed a Voluntary Order to Dismiss With Prejudice at Plaintiff’s Costs in that matter, as demonstrated by Exhibit MOS-4, yet he has steadfastly declined to sign two (2) similar orders in submitted by Plaintiff (both specifying Voluntary Dismissal With Prejudice at Plaintiff’s Costs) in the instant matter.

Plaintiff now shifts the focus of this Opposition Memorandum (which he reiterates he would not have even had the opportunity to file had he stupidly shown up for the “Expedited Hearing” on April 3, 2023) to why the instant Motion for Sanctions under LA CCP Article 863 should most certainly not be granted.

Plaintiff wishes to state emphatically and unequivocally that he filed a Motion to Withdraw his Amended Petition almost immediately upon being notified that, if he desired to continue pursuit of his suit, it would have to be in front of the existing Judge. In fact, Plaintiff would never have even filed the Amended Petition, but he did so because of fear that Judge Lanier may grant the Motion to Recuse, and the new judge then indicate that the 15-day period to amend the Petition (which Judge Pitman said was too short as he granted a 30-day period for Plaintiff to do the same) had expired, so the case would be dismissed based on Plaintiff’s failure to adhere to this Court’s restrictive 15-day period to amend the petition.

Let there be no mistake about this matter: Plaintiff is and has been uncomfortable with the presiding Judge having any further involvement in this matter from the February 15, 2023 hearing’s conclusion forward, and the fact that this Court would sign a “Motion for Expedited Hearing” on the instant matter and set a Hearing for April 3, 2023 (a Monday) when the Motion itself was filed a

mere four days before (Thursday, March 30, 2023 with the notation that "Support Memorandum to Follow" with said Support Memorandum filed on Friday, March 31, 2023) and the Administrative Assistant of this Court would then call Plaintiff twice at approximately 8:40 a.m. and 8:42 a.m. on the day of the "Expedited Hearing" (April 3, 2023) and leave voice messages of a, "friendly reminder that you have Court today," only exacerbate Plaintiff's concerns about the judge overseeing this case! If this Court was inclined to grant a hearing (which clearly it was), that Hearing date should have been set for a date sufficiently far enough in the future to afford Plaintiff the opportunity to draft an Opposition Memorandum and have that Memorandum filed at least eight (8) days prior to the Hearing date in order to be afforded due process of evening being able to make oral arguments in open Court opposing the Motion. That apparent indifference to Plaintiff's right of due process simply further demonstrates the uneasiness of Plaintiff concerning the judge overseeing this case, and it is why he insists that he would have been an idiot to have shown up on April 3, 2023 under such circumstances.

Plaintiff now directs this Court's attention to the bottom of Page 3 of MOS-1, where, quoting Defense Attorney Haik, the following statement was made before Judge Pitman:

There's video being posted about Mr. Broussard, basically making a mockery of the Court, that if he is cast with cost and expenses and attorney's fees that he's not going to pay them.

This is further evidence that Defendants and their Counsel say whatever they want to say irrespective of what the facts are! In the video in question, what Plaintiff said, upon being asked what he would do if this Court does award attorney's fees, is to state that, "I will appeal the Court's decision," which Plaintiff most certainly has every right to do, and he will most certainly exercise that right, and Defense Counsel, despite his distortion of what was said on the video, is well aware of Plaintiff's right to appeal any decision of this court. For Defense Counsel to indicate that Plaintiff is, "making a mockery of the Court" is an outrageous and wholly unsupported allegation, especially when it is he who is consistently making a "mockery" of the Court in saying a judge can,

“do whatever he wants to do irrespective of what a Statute says,” and further making the “suggestion” to the Court that attorney’s fees be awarded on a Peremptory Exception when he fully knows such an award cannot be substantiated by any statutory provision. Further, it’s utterly absurd for Defendants to even make the argument that Plaintiff will not pay Court Costs, when they know the reality is that Plaintiff has ALREADY PAID Court Costs, which prompted the Clerk of Court of St. Martin Parish to declare the matter “dismissed” and so note that fact on the Docket, yet this Court chose to proceed on with an April 3, 2023 hearing anyway, a transcript of which is included with this Opposition Memorandum as MOS-5. Further, this Court is well-aware of Plaintiff’s payment of those Court Costs as proof of same was supplied with a Motion to Voluntarily Dismiss the instant matter with prejudice at Plaintiff’s Cost, which is what prompted Defendants’ mad scramble to seek an “Expedited Hearing” on the present Motion for Sanctions under Louisiana CCP Article 863 for which this Opposition Memorandum even became necessary.

If this Court is inclined to award attorney fees, Plaintiff will follow the examples provided in the Calvin Braxton litigation and: #1) file notice of intent to lodge a Devolutive Appeal, then #2) require of this Honorable Court that it issue its Written Reasons for Judgment (just as Braxton, who contends LSP is entitled to no attorney’s fees and that, if they are ultimately awarded upon appeal, should approximate no more than \$5,000 rather than the \$50,000+ awarded via the Judgment on MOS-3, did).

Further, this Court readily acknowledged (see the bottom of Page 6 of MOS-5) that the only issue that remains unresolved is whether this court is inclined to grant “any” (see middle of Page 6 of MOS-5) attorney’s fees (with the word “any” stated twice within seconds of each other). Plaintiff contends that this case fails miserably to meet the criterion of being “frivolous,” and he further states that Defendants are well of that fact. Plaintiff bases that assertion upon:

#1) The numerous Facebook posts which were published by Defendants (many of which have already been recorded into the public record on this matter), and Plaintiff is now in possession of far more such posts to include Defendant Girouard (a/k/a “Mob Boss”) removing 10+ members for “lurking.” Lurking is someone who is a member but fails to contribute to the group. Given that the group SHOULD be a mere medium for

transmitting benign and useful material to Members, there should be nothing wrong with “lurking.” However, because Defendant Girouard was concerned that someone may be a member of the group and provide damning material to Plaintiff about her and others’ Facebook posts, her paranoia over such an action by a member would prompt her to remove Members for mere inactivity. Fortunately, as a result of this litigation and the stir created within the Facebook Group, a Good Samaritan has provided Plaintiff with a plethora of such posts. That particular Facebook post (about removing Members for “lurking”) is included with this Opposition Memorandum as MOS-6. Interestingly enough, a week after this suit was filed, any reference to Plaintiff or his property ceased and has never been resumed! Plaintiff can only wonder why there was such fear of it being uncovered that Defendants were posting lies and untruths about Plaintiff if such a fear wasn’t justified. In other words, why not just keep on doing what you’re doing if you weren’t publishing false and defamatory material about Plaintiff? Defendants don’t seem to reference that or provide any explanation for it in the subject Motion for Sanctions in their filing under LA CCP Article 863. In short, Defendants know full well that they do not even remotely come close to clearing the bar for an award of sanctions pursuant to Louisiana CCP Article 863, but they’ve insisted upon the Motion being filed (even on an “Expedited Hearing” basis) for fear this Court would sign Plaintiff’s Voluntary Motion to Dismiss With Prejudice at Plaintiff’s Cost as nothing short of a last-ditch, desperation, Hail Mary in the hope that this Court will once again be gullible enough to act upon it! Who knows? Perhaps Defense Counsel Haik overpromised his clients on his sway with this Court and is now having to scramble to overcome the fact that his clients know he apparently had such ineptitude regarding defending defamation lawsuits that he didn’t have a clue about Louisiana CCP 971!

#2) Defendant Girouard actually threatened her entire Membership that she would uncover the culprit who, “took screenshots” of the Facebook posts and, “report that individual to authorities.” That Facebook post, which Girouard subsequently deleted but which nevertheless was screenshot and is provided as MOS-7, resulted in Defendant Girouard losing 33 of her 101 Members overnight! As previously demonstrated, Defendant Girouard (a/k/a “Mob Boss”) was narcissistic to the point of having a custom-made T-shirt with the lettering “Mob Boss” on full display on the shirt’s right sleeve

which she made it a point to wear at the Council meeting of early March, 2022 entailing Plaintiff's variance. Beyond that, as evidenced by MOS-8, Girouard also greeted her Facebook group members on April 17, 2022, with the post of "Happy Easter to you all from..." followed by a custom-made coffee mug also with the words, "Mob Boss" on prominent display.

#3) One former Member of the group informing Plaintiff that he posted on the Facebook group a comment favorable to Plaintiff, and the result was that his post was immediately removed, and he was banished from the Group immediately! Defendant Girouard reportedly told other Facebook Members that she was not going to tolerate any such favorable posts about Plaintiff.

#4) Defendant Melissa Dubroc posting that the neighbor across the street from Plaintiff's property, Chris Decuir, who has been very supportive of Plaintiff and even provided him with useful details about the circulation of the "Petition" by Defendants, is a "snake" and that he is, "not on our side." That Facebook post is included with this Opposition Memorandum as MOS-9.

Plaintiff could continue with FAR more examples of the reckless publications made by Defendants on the Facebook Group, but he believes these should suffice for purposes of easily defeating Defendants' Motion for Sanctions for attorney's fees, which is itself laughable and nothing short of a misguided attempt by Defendants to recover from the fact that they failed to do as other Defendants in defamation cases (such as Louisiana State Police and the Louisiana State Office of Inspector General) did, perhaps through employing more astute attorneys when it comes to defending defamation cases than the attorney representing Defendants, and simply file a Motion to Strike Pursuant to Louisiana CCP 971 just as they did and now have judgments (albeit both of which are being appealed) for an award for attorney's fees pursuant to their astute filings in representing their clients. Perhaps if ever sued for defamation again, Defendants may contact Ben Mayeux (337-272-0346 or bmayeux@nunerpate.com) or Amy Groves-Lowe (225-381-0280 or amy.groves.lowe@taylorporter.com). Further, had Defendants followed *Sound Off Louisiana* as Plaintiff had, they would have seen the success of these two attorneys in procuring attorney's fees the **proper** way through a filing of a Motion to Strike pursuant to Louisiana CCP Article 971 rather than throwing out an absurd

“suggestion” to this Court that it “consider” awarding attorney’s fees without even attempting to properly posture such a request for attorney’s fees to this Court. As Plaintiff stated in his Opposition Memorandum to the Peremptory Exception, he indicated that this Court should, “not even dignify” Defendants’ request for the Court to “consider” awarding attorney’s fees, yet the Court chose to go the route that it did notwithstanding Plaintiff’s own suggestion to the Court that the request to consider “not even be dignified.”

Plaintiff wraps this Memorandum in Opposition to Sanctions Pursuant to Louisiana Article 863 up by asserting that, just as Defense Counsel LeBlanc urged Plaintiff to do during a discussion immediately after the February 15, 2023 court hearing on the Peremptory Exception, he has (quoting LeBlanc), “considered who our clients are.” Specifically, Plaintiff is aware that Defendant Girouard resides in a house trailer on her parents’ property and may likely be unable to pay a monetary judgment which Plaintiff may have ultimately obtained from this Court. Further, Defendant Dubroc and/or her husband have extensive past adverse filings regarding judgments and other criminal activity on file with the St. Martin Parish Clerk of Court to include:

- A. March 15, 2001 (civil): Marcus Andrus: alleged redhibitory defect on auto sold (also claimed Blake Dubroc sought to, “backdate extended service agreement” to which Andrus responded: “I want no part of your illegal and fraudulent scheme.”)
- B. June 26, 2001 (criminal): Disturbing the peace while intoxicated.
- C. Jun 19, 2024 (criminal): Refusing to leave a bar at the required closing time.
- D. September 2, 2004 (criminal): Simple assault and battery.
- E. October 13, 2004 (criminal): Illegal burning (only specifies "solid waste").
- F. November 3, 2024 (criminal): Not leaving bar at required 2 a.m. closing time [arrested due to other outstanding warrant(s)].

G. March 9, 2005 (civil): Blake Dubroc files restraining order against his wife, Defendant Melissa Dubroc.

H. April 25, 2005 (civil): Iberia Bank files suit for unpaid credit card (\$7,600).

I. April 29, 2005 (civil): Ideal Auto Sales, \$1,000 worth of auto work allegedly performed, \$500 payment made, after which stop-payment immediately issued.

J. June 10, 2005 (civil): Harley Davidson files suit for unpaid note on motorcycle (\$11,200).

K. August 14, 2005 (civil): Defendant Melissa Dubroc files restraining order against her husband, Blake.

L. February 21, 2006 (criminal): Blake Dubroc charged with Felony Assault with a firearm against his wife, Defendant Melissa Dubroc. More details on that filing, in particular, the wording contained within the arrest warrant, follow:

Dubroc's wife (Melissa) accused Blake Dubroc of the following acts:

Slapping her, punching her, choking her, shoving her, kicking her, and threatening her life.

Only five months later, Blake Dubroc's wife was allegedly once again the subject of her husband, Blake Dubroc's rage, to wit.

RS. 14:37.4 -AGGRAVATED ASSAULT WITH A FIREARM, an assault committed by the discharge of a firearm or dangerous weapon committed upon Melissa Dubroc.

Count #2: ON OR ABOUT JANUARY 21, 2006, IN THE PARISH OF ST. MARTIN, BLAKE P DUBROC DID KNOWINGLY OR INTENTIONALLY COMMIT R.S. 14:110 SIMPLE ESCAPE, by the intentional departure from a place where the defendant is legally confined or detained from the lawful custody of a law enforcement officer or corrections officer, wherein human life is not endangered. Place of Confinement: Broussard Police Department Patrol Vehicle, Detaining Agency: St. Martin Parish Sheriff's Office. The above affiant received information from Melissa Dubroc who informed that she and the above suspect along with her step-sister and a male friend came to her residence at approximately 5:00 a.m. . While at the residence the above suspect began accusing her of having an affair with the male subject. Melissa informed she and the suspect got into a physical altercation. The above suspect became angry, went into the gun cabinet and retrieved a handgun (Ruger 9mm). The suspect shot (3) three times into the floor towards Melissa's direction. Melissa managed to get the handgun away from the

suspect. In speaking with witness, they cooperated Melissa's explanation as to what took place. Upon my arrival along with Broussard P.D. personnel Officer Pedro Alexander, we detained the above suspect and placed him in the back seat of Officer Alexander's Unit. While myself and Officer Alexander was processing the scene in the residence, the suspect manage to escape out the unit. The suspect was later captured near the crime and transported to the St. Martin Parish Sheriffs Office.

M. March 15, 2007 (civil): Garnishment filed on 4/25/05 (item "H")

above.

N. July 15, 2008 (civil): Jessica Broussard (no relation to Plaintiff)

affidavit for alleged \$2,500 in "car repair work."

O. June 15, 2009 (civil): Bank of America, Garnishment & Executory Judgment from Lafayette Parish, (\$23,800).

P. March 16, 2019 (civil): Filed TRO against then-son-in-law (who lived with Dubroc's daughter in a mobile home behind his house) allegedly engaged in harassment and that son-in-law, "blocked access to and from the used car lot."

So Plaintiff, in light of the foregoing, not to mention the much publicized material that, in May of 2022, individuals who were inebriated and firing off AK-47 rifles with Defendant Melissa Dubroc's daughter, Joelle, repeatedly threatening to, "cross the street and beat the f#*@ out of" her neighbor, (for which she, along with her husband, who is the ex-spouse of that same neighbor, were later that same evening arrested once she did in fact cross the street and approach the neighbor in an apparent attempt to, "beat the f#*@ out of her,") did cause Plaintiff to make an economic decision, as well as a personal safety decision as Defendant Melissa Dubroc's husband, Blake Dubroc, recently made an attempt to run the vehicle of Plaintiff, his wife, and his daughters off the road, that he would do nothing more at this point than, as the old saying

goes, “throw good money after bad,” in continuing with the lawsuit, particularly given some of the utterances made by the Judge overseeing this case on February 15, 2023 and his willingness to schedule an “Expedited Hearing” on this matter and provide Plaintiff with no opportunity whatsoever to provide an Opposition Memorandum pertaining to it as he has now done.

To suggest that this litigation was filed in bad faith and meets the extremely high bar imposed by Louisiana CCP Article 863 (which, if Defendants felt was the case, should have been asserted at the outset of the litigation rather than “suggesting” to the Court that attorney’s fees be pursued in the Peremptory Exception when Defendants knew, or certainly should have known, that Louisiana CCP Article 934 makes no such provision for attorney’s fees) is utterly laughable on its face. Utterly laughable. Furthermore, should this Court grant an award of such attorney’s fees, such an action will strongly reinforce the notion that the judge overseeing this case lacks the objectivity which should be required to preside over it and further demonstrates that Plaintiff appropriately recognized that fact, thus causing him to file the Recusal Motion in the aftermath of the February 15, 2023 hearing.

Considering the foregoing, Plaintiff prays that Defendants’ Motion for Sanctions in the form of attorney’s fees pursuant to Louisiana CCP Article 863 be DENIED and that this Honorable Court signs his Motion to Voluntarily Dismiss the Petition with Prejudice at Plaintiff’s Costs which has been pending before this Court for a rather protracted period of time. Further, Plaintiff prays that costs for this hearing be taxed to Defendants as the loser of this Motion since Defendants had the option to merely agree to Plaintiff’s Motion to Dismiss With Prejudice at Plaintiff’s Costs

and Plaintiff has already paid the accumulated costs incurred by Defendants up to the filing of this patently absurd Motion.

Respectfully Submitted,

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

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has this day been forwarded to all known counsel of record by Email Transmission:

Breaux Bridge, Louisiana, this 11th day of May, 2023.

BILLY BROUSSARD
In Proper Person
1307 South Main
Breaux Bridge, LA 70517

BY: _____
BILLY BROUSSARD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

SIXTEENTH JUDICIAL DISTRICT COURT IN AND FOR THE
PARISH OF ST. MARTIN, STATE OF LOUISIANA

BILLY BROUSSARD

-VS- NO. 091706 Div "D"

SCOTT LOPEZ

Motions

** April 24, 2023 **

**** HON. LEWIS PITMAN, JR., Judge Presiding ****

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

APPEARANCES:

PLAINTIFF BILLY BROUSSARD:

Pro se

**DEFENSE ATTORNEY FOR
SCOTT LOPEZ:**

Eric Haik
Ally Leblanc
Attorney at Law
1017 East Dale Street
New Iberia, LA 70560
ehaik@hmg-law.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

PROCEEDINGS:

BY THE COURT:

Let's take up the Broussard versus Lopez matter.
Mr. Haik, it's your motion, sir.

BY MR. HAIK:

Yes, Your Honor. Good morning, Eric Haik on behalf of the defendants Scott Lopez and Benjamin Lopez. We're here in connection with the exception of no cause of action, no right of action filed in the present matter. As you are fully aware a petition for defamation and slander was filed by Mr. Broussard actually in May of 2022. It's our position that it's time that Mr. Broussard's efforts to hurt the people who oppose his land usage come to an end. My clients had to incur significant costs and expenses for a year in dealing with this litigation. The allegations made in the petition center around a public hearing conducted in front of planning and zoning committee where the defendants had First Amendment rights to testify, express opinions, express frustrations and concerns about a neighbors land usage, which is what was done. The fact that Mr. Broussard lost that hearing is a big part of why we're here today. I've tried to use professional constraint, Your Honor, in dealing with Mr. Broussard throughout this litigation.

The most recent filing is a clear example of the conspiracy theories and ill advised tantrums that we've been having to deal with, not only within the Court, in the pleadings and also online. Mr. Lopez and his son have had things written about them online. There's video being posted about Mr. Broussard, basically making a mockery of the Court, that if he is cast with cost and expenses and attorney's fees that he's not going to pay them. It's our

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

position that the petition fails to state cause of action under defamation/slander statutes, because the First Amendment protects Mr. Lopez and his son from testifying and voicing concerns at the public hearing. There's been nothing to prove that there was in fact defamation or slander.

As this Court may or may not know a similar petition was filed in a separate matter against separate defendants alleging identical claims revolving around a public hearing. That matter is set before Judge Borne. Judge Borne has denied -- excuse me, granted the similar exception of no cause, no right, gave Mr. Broussard fifteen days to amend his petition, but gave him a very stern warning that if he amended his petition and he failed to state a cause of action and the second exception of no cause, no right of action was granted in favor of defendants that he'd be cast with attorney's fees and cost. Fast forward that matter is still unresolved. We have another hearing May 23rd to determine whether the second exception of no cause, no right is going to be granted. But in the interim Mr. Broussard filed voluntary motions to dismiss the actions, which is the same actions we're here dealing with today. Your Honor, I state all of that to assert that the petition fails to state within the four corners causes of action to support defamation and slander and as a result we're moving that -- we're requesting that the Court grant the exception.

BY THE COURT:

Thank you, Mr. Haik.

BY MR. HAIK:

Thank you, Your Honor.

BY THE COURT:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Mr. Broussard?

BY MR. BROUSSARD:

Good morning, Your Honor, Billy Broussard, pro se. I would like to say he wants to make the statement that they were discussing a public matter. That's something that it seems like he would've been arguing Code of Civil Procedure 971, the ninety days has come and gone, you make that -- you asked me to make that argument. I'm not a lawyer, but you can read online about Code of Civil Procedures. The fact that this all began at a meeting on January, including -- I think January 6th, way before that, Your Honor. Six months before Trooper Lopez decided to leave his driveway, whip a doughnut and chase one of my trucks down to tell my truck, "If he knows what's good for my truck driver -- if he knows what's good for him not to come down his road." Bottom line immediately after that, based up on testimony from the parish president, Mr. Lopez went to the parish president five minutes after that, one thing leads to the other, denied me the right -- it's my constitutional right to do what I want with my property not business. I have what the parish put out in the public notice. It doesn't say anything about opening any type of business, doing any type of business activities. That's what the government put out in the public notice. All the statements -- I mean, it's in my memorandum in support -- I'm sorry, my memorandum in opposition to plaintiff's exceptions. It's all in black and white. I believe I met the criteria of the defamation.

I mean, he said the other case is a lot different than this case. The other people in the other case didn't chase me down. They didn't press -- try to -- or at least try to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

press charges on me for assault. They didn't do a lot of different things and there is video.

BY MR. HAIK:

Objection, your Honor.

BY MR. BROUSSARD:

There's videos throughout this that I'll be able to produce during trial that -- even his dash cam. We got that on dash cam. He's upset with malice because he got written up by state police by his actions. The other people they weren't written up by their bosses, or just to say, for their behavior. This is -- he is very upset and this all has to do with him not wanting me to go down his road.

I have thirty-three acres way out in the country. He just so happens to live down that same road. My daddy -- my father lives two houses from him, has cattle, horses, et cetera. What I do on my property, my kids back there, that's only -- not even half of my children. That's a piece of property we go to, to enjoy. The name of that LLC is Billy Broussard Farm and Land Development. There's no commercial activity. Judge Thibodaux got on the stand and explained that to the judge in that case, Judge Susan deMahy. That even he came on my property. They thought, "Oh, we have this evidence, because they had -- he's been working, as the parish is informing him and another gentleman next door to us, I call him Bendable Blake, but they surveillancing me, taking pictures, et cetera and they've yet to come up with any documentation to support that there's any commercial activity on my property.

So the truth of the matter is saying that it's just their -- doing their civil duty about protecting their property

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

and they haven't been able to produce one shred of document that anything I'm doing on my property negatively impacts any of my neighbors. Not any of the witnesses, not any of the neighbors, and it's not like a whole community is against me. There's a reason why I got the information I have it's because these people within the community are worried about the safety of me and my children. They run into us at restaurants and say, "You need to know what these people are up to." It's not my fault they started to -- decided to take the actions he's taking against me and my family, but it's backfired on him and that's why he's so -- has this malice because he's been written up multiple times by state police. It's an embarrassment and I can go on and on. I know it's just rules, but I believe that the four corners of information that I provided so far in definition was a cause of defamation.

BY THE COURT:

Mr. Broussard, Thank you, sir. I just want to point one thing out in your memo. You know, I do read all these things.

BY MR. BROUSSARD:

Yes, Sir.

BY THE COURT:

Your title is incorrect. You have it as a memorandum in opposition to plaintiffs.

BY MR. BROUSSARD:

Yes, it's supposed to be --

BY THE COURT:

It should be defendant.

BY MR. BROUSSARD:

Yes, Sir.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

BY THE COURT:

So I point that out so there's no confusion. Mr. Haik, I read your memo also. Mr. Broussard, Louisiana is a fact pleading jurisdiction. Some states and federal courts are notice pleadings, meaning you simply have to give notice of the cause of action. In Louisiana facts have to be plead in the allegation in the petition. I read your petition more than once. I find that Mr. Haik's exception is to be sustained. Now, I am going to grant you thirty days to file any amendment. Now you don't have to file an amendment. There's other routes you can go. Okay. And the reason I'm giving you thirty days is so that you can consider what you want to do.

BY MR. BROUSSARD:

Yes, Sir.

BY THE COURT:

Okay. You may want to consider speaking to an attorney, you may want to consider taking this matter up to the Third Circuit. Now, there's deadlines involved in filing with the Third Circuit. I can't go into all that, because I can't advise you on how to practice law.

BY MR. BROUSSARD:

Yes, Sir.

BY THE COURT:

But I'm explaining to you why I'm granting you thirty days to do that.

BY MR. BROUSSARD:

I can amend the petition is what you're saying?

BY THE COURT:

Yeah, I need an amended petition and/or writs to the Third Circuit between now and that time period.

BY MR. BROUSSARD:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Yes, Sir.

BY THE COURT:

So I don't believe fifteen days is sufficient, I'm granting you thirty. I am going to recommend -- I can't even do that. I take that back. I'm going to urge that you consider speaking to an attorney in this matter.

BY MR. BROUSSARD:

Yes, Sir.

BY THE COURT:

But that's your decision and your decision alone. I do not hold anything against you if you choose not to have an attorney. I've been quite impressed with how you've handled yourself thus far in this Court and you've done better than some attorneys I have to deal with. Okay. I'm not questioning your competency, I'm only giving you that opportunity.

BY MR. BROUSSARD:

Yes, Sir.

BY THE COURT:

Okay. Now, once you make your decision as your filings, Mr. Haik will respond accordingly. You may be back here again for another hearing, but hopefully it'll be the last hearing. Either the matter will be decided by the Third Circuit or I'll grant or sustain the exception again or deny it and then we can set the matter for trial. That's what I'm looking at.

BY MR. BROUSSARD:

Yes, Sir.

BY MR. HAIK:

Yes, Your Honor.

BY THE COURT:

Mr. Haik, I know your clients are frustrated, I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

understand that completely, but I have an obligation to do what I think is best.

BY MR. HAIK:

Sure. I understand the Judge -- I mean, the Court's ruling. And we have an order to be signed, Your Honor, granting the exception and giving him thirty days until May 24th to file his amended petition.

BY THE COURT:

Okay. If you have that available and it corresponds with my decision I'll be happy to look at it this morning.

BY MR. HAIK:

Thank you, Your Honor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

STATE OF LOUISIANA (Rev. 1/1/2013)
PARISH OF ST. MARTIN
REPORTER'S CERTIFICATE

I, STACEY M. VERDIN, Official Court Reporter for the 16th Judicial District Court, Parishes of St. Mary, Iberia, and St. Martin, of the State of Louisiana, employed as a court reporter for the 16th Judicial District Court, State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that this testimony was reported by me in the stenomask method, was prepared and transcribed by me or under my direction and supervision, and is a true and correct transcript to the best of my ability and understanding, that the transcript has been prepared in compliance with the transcript format guidelines required by statute or by the rules of the board or by the Supreme Court of Louisiana, and that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

This certificate is valid only for a transcript accompanied by my original signature and official required seal on this page.

IN WITNESS WHEREOF, I have affixed my official signature this **3rd** day of **April, 2023**, St. Mary Parish, Louisiana.

Stacey M. Verdin
Official Court Reporter
Certificate #23033

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

MURPHY J. PAINTER

* NO. 604,308

VERSUS

*

*

STATE OF LOUISIANA, ET AL

*

* DIVISION 25

*

JUDGMENT

This matter came before the Court for hearing on July 25, 2022 on the following motions filed on behalf of the Louisiana Office of Inspector General and Stephen Street, in his official capacity: (1) Motion in Limine to Preclude Testimony and Evidence Regarding the Purported Defamation and Constitutional Violations, if any, of Shane Evans; (2) Motion to Strike Allegations Against Shane Evans from Plaintiff's Petition; and (3) Peremptory Exceptions of Res Judicata and No Cause of Action to Murphy Painter's Eight Amended Petition, as well as the (4) Motion for Attorney Fees and Costs Pursuant to Article 971 filed by Shane Evans. Present in court were Al Robert, Jr., appearing on behalf of Murphy J. Painter, and Amy Groves Lowe, appearing on behalf of the Office of Inspector General, Stephen Street in his capacity as Inspector General ("the OIG Defendants") and Shane Evans.

After taking the matter under advisement, the Court orally issued its ruling in open court on August 8, 2022, granting all four (4) motions filed by the OIG Defendants; therefore,

IT IS ORDERED, ADJUDGED AND DECREED that the Motion in Limine to Preclude Testimony and Evidence Regarding the Purported Defamation and Constitutional Violations, if any, of Shane Evans be and is hereby **GRANTED**.

IT IS ORDERED, ADJUDGED AND DECREED that the Motion to Strike Allegations Against Shane Evans from Plaintiff's Petition be and is hereby **GRANTED**.

IT IS ORDERED, ADJUDGED AND DECREED that the Peremptory Exceptions of Res Judicata and No Cause of Action to Murphy Painter's Eight Amended Petition be and is hereby **GRANTED**, and all of Plaintiff's claims against the OIG Defendants are hereby dismissed with prejudice.

RECEIVED

August 16, 2022

DIVISION O
JUDGE FIELDS

IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Attorney Fees and Costs Pursuant to Article 971 filed by Shane Evans be and is hereby GRANTED, and Plaintiff shall pay to the OIG Defendants \$9,700.00 in attorney's fees.

JUDGMENT RENDERED, on August 8, 2022, AND READ and SIGNED at Baton Rouge, Louisiana, this 19 day of August, 2022.



JUDGE WILSON FIELDS
19TH JUDICIAL DISTRICT COURT

C-604308

PAGE 2 OF 4

I HEREBY CERTIFY THAT ON THIS DAY A COPY OF THE WRITTEN REASONS FOR JUDGMENT / JUDGMENT / ORDER / COMMISSIONER'S RECOMMENDATION WAS MAILED BY ME WITH SUFFICIENT POSTAGE AFFIXED. SEE ATTACHED LETTER FOR LIST OF RECIPIENTS.

DONE AND MAILED ON August 25, 2022


DEPUTY CLERK OF COURT

RECEIVED

August 16, 2022


DIVISION O
JUDGE FIELDS

RULE 9.5 CERTIFICATE

I, Amy Groves Lowe, counsel for the OIG Defendants, do hereby certify that a copy of the above proposed judgment was circulated to all counsel of record via electronic mail on August 8, 2022 and that they have no objection to the judgment as to form and substance.

Respectfully submitted,

TAYLOR, PORTER, BROOKS, & PHILLIPS, L.L.P.

By 

Preston J. Castille, Jr., #23448

Amy Groves Lowe, #25071

450 Laurel Street, 8th Floor

P.O. Box 2471

Baton Rouge, LA 70821

Phone: 225-387-3221

Fax: 225-346-8049

Counsel for the OIG Defendants

- CERTIFICATE -

I certify that a copy of the foregoing was this day either faxed, emailed, or mailed, postage prepaid, to all counsel of record.

Baton Rouge, Louisiana, this 15 th day of August, 2022.

Amy Groves Lowe
Amy Groves Lowe

CIVIL SUIT NUMBER C-90284 A

CALVIN W. BRAXTON, SR.

TENTH JUDICIAL DISTRICT COURT

V.

PARISH OF NATCHITOCHES

LOUISIANA STATE TROOPERS
ASSOCIATION ET AL.

STATE OF LOUISIANA

JUDGMENT ON SPECIAL MOTION TO STRIKE

On August 24, 2022, this matter came for hearing on a Motion for an Award of Attorney Fees filed by the State of Louisiana, Department of Public Safety and Corrections, Office of State Police pursuant to the provisions of La.Code Civ.P. art. 971(B). Upon completion of the hearing, the court took the issue under advisement. After considering the evidence in the record of these proceedings, after considering the argument of counsel, and for the written reasons filed with this judgment the court concludes that the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, is entitled to the relief prayed for. Therefore:

IT IS ORDERED, ADJUDGED, AND DECREED that there be judgment herein in favor of the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, and against the plaintiff, Calvin W. Braxton, Sr., in the amount of \$50,376.25.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs of this motion are taxed against the plaintiff, Calvin W. Braxton, Sr.

THUS DONE AND SIGNED IN CHAMBERS in Jena, Louisiana, on this 28th day of September, 2022, for filing in Natchitoches, Natchitoches Parish, Louisiana.


JIMMIE C. PETERS
District Judge, *Ad Hoc*

RECEIVED AND FILED
DAVID STANLEY,
CLERK OF COURT
2022 SEP 29 A 10:30
BY  DAVID STANLEY, CLERK
PARISH OF NATCHITOCHES, LA

BILLY BROUSSARD

* 16TH JUDICIAL DISTRICT COURT

VERSUS NO. 91706-D

FILE

* PARISH OF ST. MARTIN

SCOTT LOPEZ ET AL

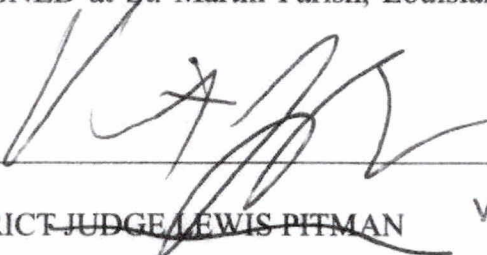
* STATE OF LOUISIANA

MOTION AND ORDER TO DISMISS WITH PREJUDICE

NOW INTO COURT, in proper person, comes Plaintiff, BILLY BROUSSARD, who suggests to this Court that he desires to voluntarily dismiss this Petition with prejudice at Plaintiff's cost. Considering the foregoing, and upon Motion of Plaintiff for this matter to be dismissed with prejudice at Plaintiff's Cost:

IT IS ORDERED that Plaintiff's Petition is DISMISSED WITH PREJUDICE at PLAINTIFF's COST.

THUS DONE AND SIGNED at St. Martin Parish, Louisiana this 5th day of May, 2023.



DISTRICT JUDGE LEWIS PITMAN Vincent J. Borne

Respectfully Submitted,
Billy Broussard

BY: 

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has this day been forwarded to all known counsel of record by:

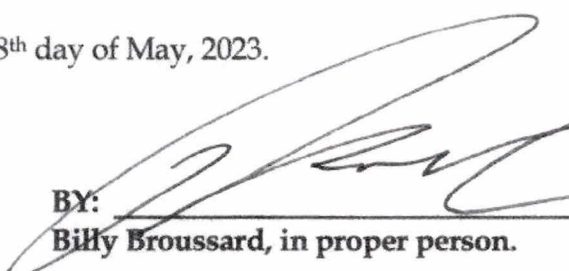
- United States mail, properly addressed and postage prepaid.
- Registered United States mail, return receipt requested, properly addressed and postage prepaid.
- Facsimile transmission.
- Hand Delivery.
- E-mail Transmission.

Breaux Bridge, Louisiana, this 8th day of May, 2023.

RECEIVED AND FILED
2023 MAY -8 AM 9: 50

RECEIVED AND FILED
2023 MAY -8 AM 10: 06

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

BY: 
Billy Broussard, in proper person.

DEPUTY CLERK OF COURT
ST. MARTIN PARISH

SIXTEENTH JUDICIAL DISTRICT IN AND FOR THE
PARISH OF ST. MARTIN, STATE OF LOUISIANA
DIVISION "C"

BILLY BROUSSARD

VERSUS

DOCKET NO. 92077

MENDY GIROUARD AND

MELISSA DUBROC

The above-captioned case came up for hearing at the St. Martin Parish Courthouse, St. Martinville, Louisiana, before the Honorable Judge Vincent J. Borne, Judge of the above-styled court, on April 3, 2023.

APPEARANCES:

REPRESENTING THE DEFENDANT:

ERIC HAIK

* HON. VINCENT J. BORNE, JUDGE PRESIDING *

* REPORTED BY: MONA LANDRY, CCR *

1 **THE COURT:**

2 You want to sound the hall for
3 Billy Broussard? You want to take
4 that up? Are you ready to address
5 it?

6 **MR. HAIK:**

7 I can address it.

8 **THE COURT:**

9 Can we sound the hall for Billy
10 Broussard? I think Comeaux has
11 court in No. 1. They're going to
12 sound the hall. We assume he's not
13 present. He's not in court in this
14 particular courtroom.

15 So is the bailiff back?

16 **THE REPORTER:**

17 No.

18 **THE COURT:**

19 We'll take this up as soon as he
20 gets back to verify he's not in the
21 other courtroom. Is Mr. Broussard
22 in the other courtroom?

23 **THE BAILIFF:**

24 No.

25 **THE COURT:**

26 Mr. Broussard is not present in
27 the other courtroom? Mr. Bailiff,
28 is Mr. Broussard --

29 **THE BAILIFF:**

30 No, sir.

31 **THE COURT:**

32 All right. We're here in

1 Billy Broussard versus
2 Mendy Girouard and Melissa Dubroc.
3 Can we have appearances for the
4 record?

5 **MR. HAIK:**

6 Yes, Your Honor. Eric Haik on
7 behalf of the defendants, Mendy
8 Girouard and Melissa Dubroc.

9 **THE COURT:**

10 They're present.

11 This matter comes before the
12 Court, we were last in court on a
13 motion of exception no cause of
14 action and no right of action, I
15 believe.

16 **MR. HAIK:**

17 Yes, Your Honor.

18 **THE COURT:**

19 I granted the exception, gave
20 leave to amend to Mr. Broussard who
21 was representing himself. I think
22 we had dates of today to resolve
23 those issues. There was a motion to
24 compel. I think in the interim,
25 Mr. Broussard filed a motion to
26 recuse the Court. That was heard by
27 Judge Lanier.

28 **MR. HAID:**

29 Yes.

30 **THE COURT:**

31 It was denied. I think
32 subsequent to the last hearing, I

1 think Mr. Haik filed a motion or
2 opposed judgment addressing the
3 issues that were resolved of the
4 ruling of the Court at that hearing
5 and the Court took the position I
6 didn't sign that based upon the fact
7 the question of whether I'd be
8 handling the case was raised by the
9 motion of recusal. So until that
10 was resolved, I really haven't done
11 anything. I think the fact that
12 Mr. Broussard is not here -- I think
13 he filed after the recusal motion, a
14 voluntary dismissal. I failed to
15 sign it because it delineated things
16 other than just a dismissal. It
17 delineated and directed the payment
18 of cost by -- his own cost and what
19 not, didn't resolve the issues that
20 were present with the initial filing
21 and I think with the subsequent
22 filings set for today with regards
23 to sanctions for the initial filing
24 that was raised I think at the
25 initial motion for no caution of
26 action.

27 With all that said,
28 Mr. Broussard is not present. I
29 don't know that he was personally
30 served and he filed a motion
31 dismissing the motion to compel that
32 was served for today in his

1 petition. So I'm hesitant to kind
2 of move forward with the sanctions
3 if he wasn't necessarily served for
4 that purpose today.

5 **MR. HAIK:**

6 I would tend to agree, Your
7 Honor. I don't want to move forward
8 with the motion for sanctions
9 without him being properly served.
10 Although I would love to get the
11 hearing over with and concluded, but
12 I think procedurally that would be
13 the best avenue. It's our position
14 he was fully aware of today's
15 hearing. I understand he's not
16 here, but his e-mail communications
17 led us to believe that he knew of
18 today which is why he filed his
19 motion to voluntarily dismiss to try
20 to not come today, knowing we were
21 going to seek attorney's fees and
22 costs.

23 **THE COURT:**

24 I understand. That's not an
25 unreasonable issue, but given the
26 fact that there was an
27 interruption --

28 **MR. HAIK:**

29 I hate to do it, but I think we
30 need to reset it.

31 **THE COURT:**

32 So I'll reset all pending

1 matters, his motion to dismiss and
2 the terms under which it's dismissed
3 will be set. The motion for
4 sanctions and/or attorney's fees
5 will be set. I guess technically
6 the motion to compel is set until
7 the petition is dismissed and the
8 motion for no cause of action. So
9 all pending issues are going to be
10 set and he'll be notified to be
11 ready to address all pending
12 litigation in this matter on what
13 date, my next rule date?

14 **THE CLERK:**

15 June 23rd.

16 **MR. HAID:**

17 Let's do a special. It won't
18 take long.

19 **THE COURT:**

20 Just on the record, it seems
21 based upon the filing the only issue
22 that's contested is whether or not I
23 grant -- I'll say this on the
24 record -- I do intend to assess all
25 your costs to the defendant. There
26 is an issue of whether I assess
27 what, if any, attorney's fees and
28 what amount, if any.

29 **MR. HAIK:**

30 Yes, sir.

31 **THE COURT:**

32 So I think if y'all can resolve

1 that issue, I mean --

2 **MR. HAIK:**

3 I would love to say we could,
4 but I don't think we're resolving
5 much in this case.

6 **THE COURT:**

7 So we're looking for what now?

8 **MR. HAIK:**

9 A special fixing.

10 **THE CLERK:**

11 You don't have anything the rest
12 of this month here, but May you were
13 supposed to have that civil jury,
14 that's not coming up starting
15 May 8th. I don't know if you want
16 to put it on one of those days.

17 **THE COURT:**

18 Didn't we say the second week
19 that's the legacy case?

20 **THE CLERK:**

21 It was a three-week civil jury.

22 **THE COURT:**

23 I think we're setting a --

24 **THE CLERK:**

25 They didn't let me know.

26 **THE COURT:**

27 Let me let my phone catch up. I
28 think we have a -- do you know
29 anything about the interdiction of
30 April Guidry?

31 **THE CLERK:**

32 Huh-uh.

1 **THE COURT:**

2 That's on my calendar. The
3 St. Martin School Board versus Shell
4 civil trial is set for Monday, May
5 22nd. It's going to take three or
6 four days. We can do it the first
7 thing in the morning on the 22nd.

8 **MR. HAIK:**

9 I have a hearing with Judge
10 Segura in that morning, but I can
11 probably get that resolved.

12 **THE COURT:**

13 We can do it Tuesday morning.
14 This shouldn't take long.

15 **MR. HAIK:**

16 Tuesday the 23rd, I'm
17 available.

18 **THE COURT:**

19 So we'll set this matter for
20 hearing May 23rd at 9:00 a.m. sharp.
21 And we'll take it up before the
22 motion or whatever is going on with
23 that trial. So May 23rd at -- let
24 the record reflect and can you file
25 an order?

26 **MR. HAIK:**

27 Yeah, I'll file an order. The
28 problem has been every time I go to
29 submit a judgment of order,
30 Mr. Broussard doesn't want to agree.

31 **THE COURT:**

32 It's just an order for the court

1 setting all pending matters, motion
2 for sanctions, motion to compel,
3 motions to dismiss his lawsuit.
4 Everything to be resolved and
5 anything pending to be resolved on
6 May 23rd at 9:00 a.m. That's the
7 right date, right?

8 **THE CLERK:**

9 Uh-huh.

10 **THE COURT:**

11 I order that Mr. Broussard be
12 served with that particular date.
13 It seems from procedurally -- I
14 don't want to speak for
15 Mr. Broussard himself -- but it
16 seems if y'all can resolve the issue
17 of attorney's fees, I indicated the
18 Court is inclined to grant all court
19 costs including what you're about to
20 incur. With that if y'all can get
21 there and sign a judgment, y'all can
22 resolve it.

23 **MR. HAIK:**

24 I agree. We had attempted to
25 resolve it that way prior to today
26 and that didn't take place. And I
27 will make an effort to resolve the
28 fees.

29 **THE COURT:**

30 Y'all may not agree to that.
31 I'm just saying it seems that
32 that --

1 **MR. HAIK:**

2 I would agree to it. My
3 clients would agree to it if he
4 agreed to pay our fees and costs.

5 **THE COURT:**

6 So that will be the record of
7 the Court. And we'll take it up on
8 the 23rd. I order Mr. Broussard to
9 be served via e-mail and personally.
10 He may be under the impression that
11 I signed his --

12 **MR. HAIK:**

13 He was fully aware of today. He
14 probably checked service.

15 **THE COURT:**

16 With notice with everything, I
17 think we can resolve it even if he
18 doesn't appear.

19 **MR. HAIK:**

20 If he doesn't appear and was
21 served, I think we can move forward.

22 **THE COURT:**

23 With that, we can order
24 Mr. Broussard be served and we'll
25 take all the matters up at that
26 time.

27 **MR. HAIK:**

28 Then, Judge, are you going to
29 execute the order granting the first
30 motion -- excuse me, the first
31 exception of no cause of action
32 which you didn't sign because he

1 filed his motion to recuse shortly
2 thereafter or you're just going to
3 wait?

4 **THE COURT:**

5 I didn't do that because I think
6 there's also filed a motion to
7 dismiss. I think if we resolve that
8 all of that is moot. We can handle
9 all that then. I order that he be
10 served with the expired motion for
11 sanctions and set the cost to
12 plaintiff. I'll sign that now. May
13 23rd at 9:00 a.m. This is the one
14 you filed --

15 **MR. HAIK:**

16 I don't need to file a new one?
17 That's an older one.

18 **THE COURT:**

19 I'll just set the no cause of
20 action that was never signed, I'll
21 set that for that day, too. You
22 don't need to file anything else.
23 If y'all can resolve it, I'll sign a
24 judgement that y'all can both sign
25 on.

26 **(Hearing concluded.)**

27
28
29
30
31
32

REPORTER'S PAGE

1
2 I, MONA LANDRY, Certified
3 Court Reporter in and for the State of
4 Louisiana, 2019004, the officer, as defined
5 in Rule 28 of the Federal Rules of Civil
6 Procedure and/or Article 1434(B) of the
7 Louisiana Code of Civil Procedure, do hereby
8 state on the Record:

9 That due to the interaction in
10 the spontaneous discourse of this
11 proceeding, dashes (--) have been used to
12 indicate pauses, changes in thought, and/or
13 talkovers; that same is the proper method
14 for a Court Reporter's transcription of
15 proceeding, and that the dashes (--) do not
16 indicate that words or phrases have been
17 left out of this transcript;

18 That any spelling of words
19 and/or names which could not be verified
20 through reference material have been denoted
21 with the phrase "(phonetic)";

22 That "(sic)" denotes when a
23 witness stated a word or phrase that appears
24 odd or erroneous to show that it was quoted
25 exactly as it stands.

26
27
28 MONA LANDRY
29
30
31
32

CERTIFICATE

1
2 This certification is valid only for a
3 transcript accompanied by my original signature
4 and original required seal on this page.

5 I, Mona Landry, Official Reporter in and
6 for the State of Louisiana, employed as an
7 official court reporter serving the 16th Judicial
8 District Court for the Parishes of St. Mary,
9 Iberia and St. Martin, State of Louisiana, as the
10 officer before whom this testimony was taken, do
11 hereby certify that this testimony was reported by
12 me in the stenotype realtime method and was
13 transcribed and prepared by me or someone under my
14 supervision using CAT software, and that this is a
15 true and correct transcript to the best of my
16 ability and understanding;

17 That the transcript has been prepared in
18 compliance with the transcript format guidelines
19 required by statute, or by rules of the board, or
20 by the Supreme Court of Louisiana,

21 And that I am not related to counsel or to
22 the parties herein, nor am I otherwise interested
23 in the outcome of this matter.
24
25
26
27
28
29
30
31
32

MONA LANDRY, CCR
OFFICIAL COURT REPORTER
CCR CERTIFICATE NO. 2019004

EXHIBIT MOS-6

Facebook posts by Mendy Girouard on or around July 22, 2022 indicating she will not be tolerant of "lurkers" on the group.

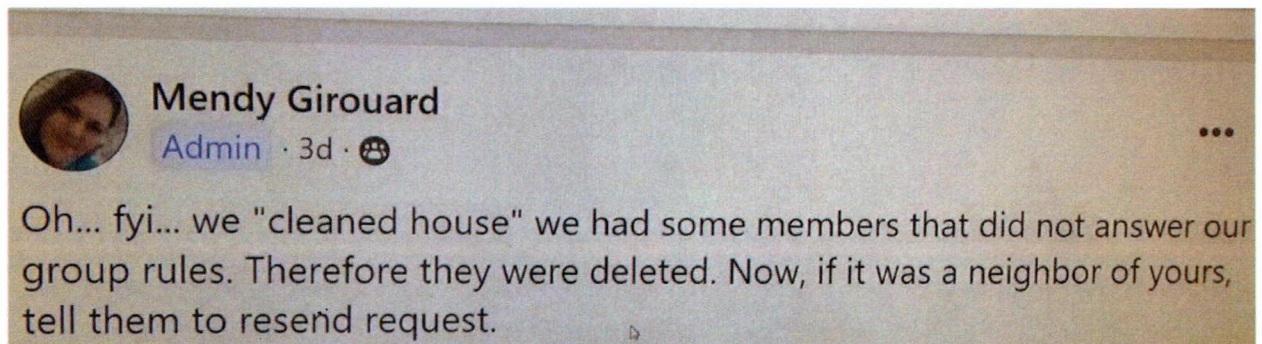
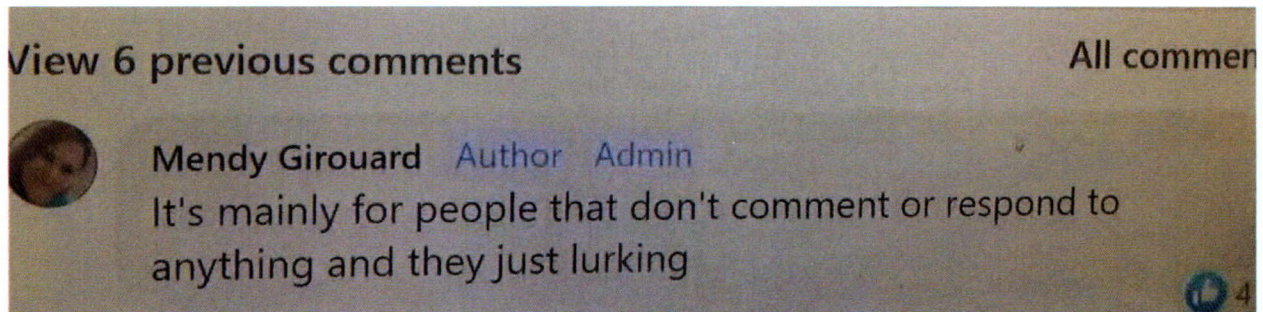
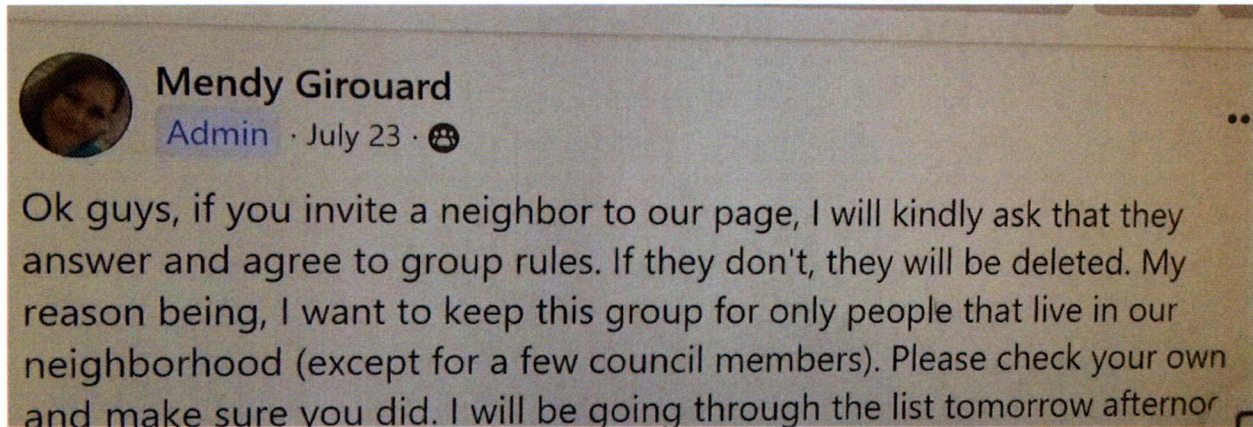
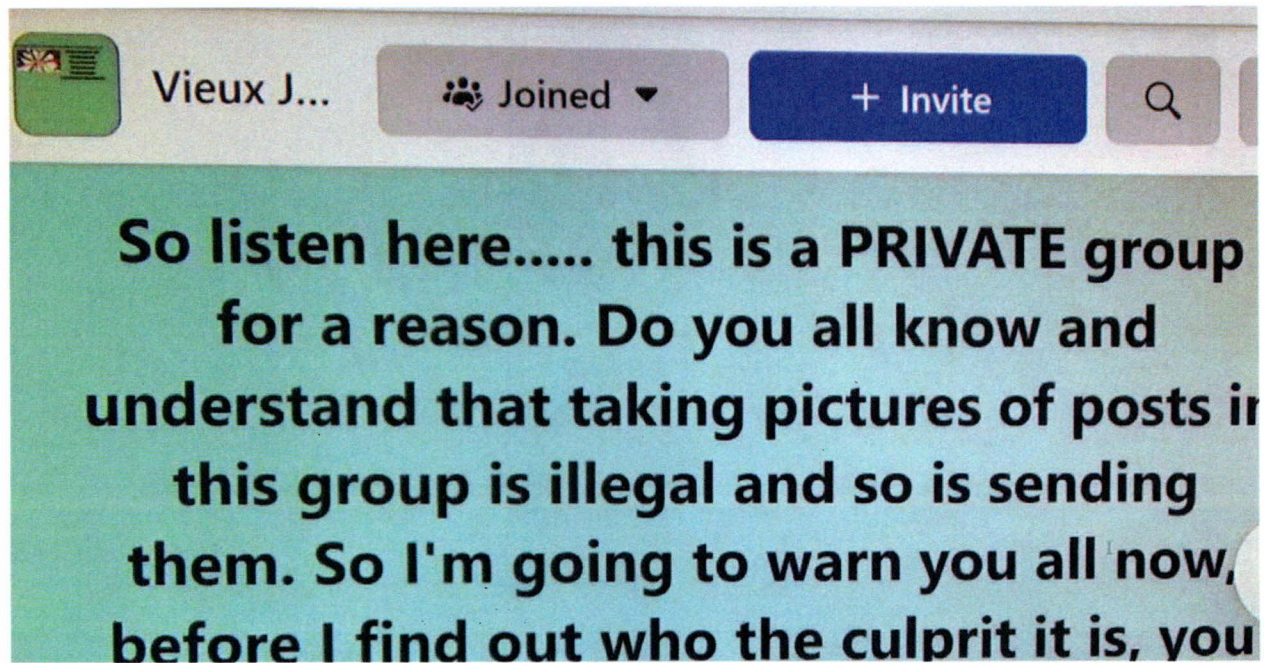
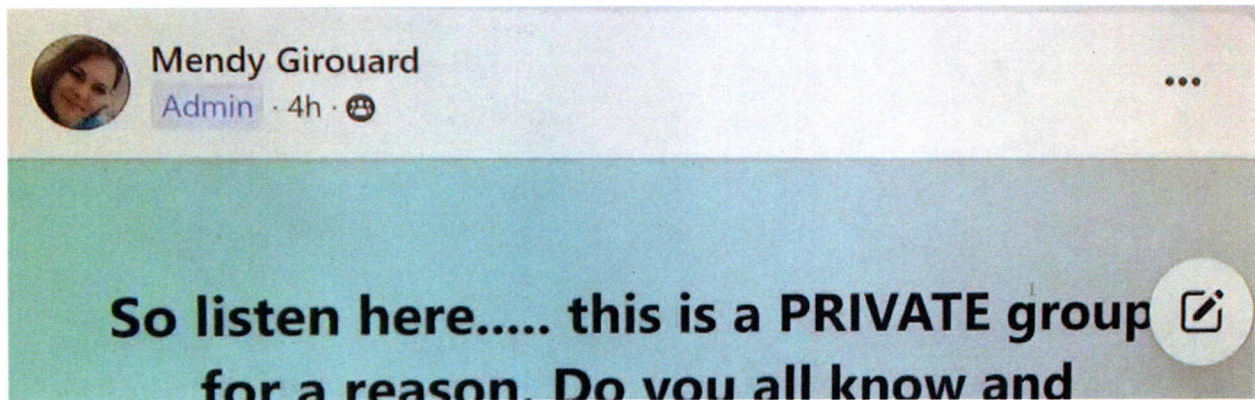


EXHIBIT MOS-7

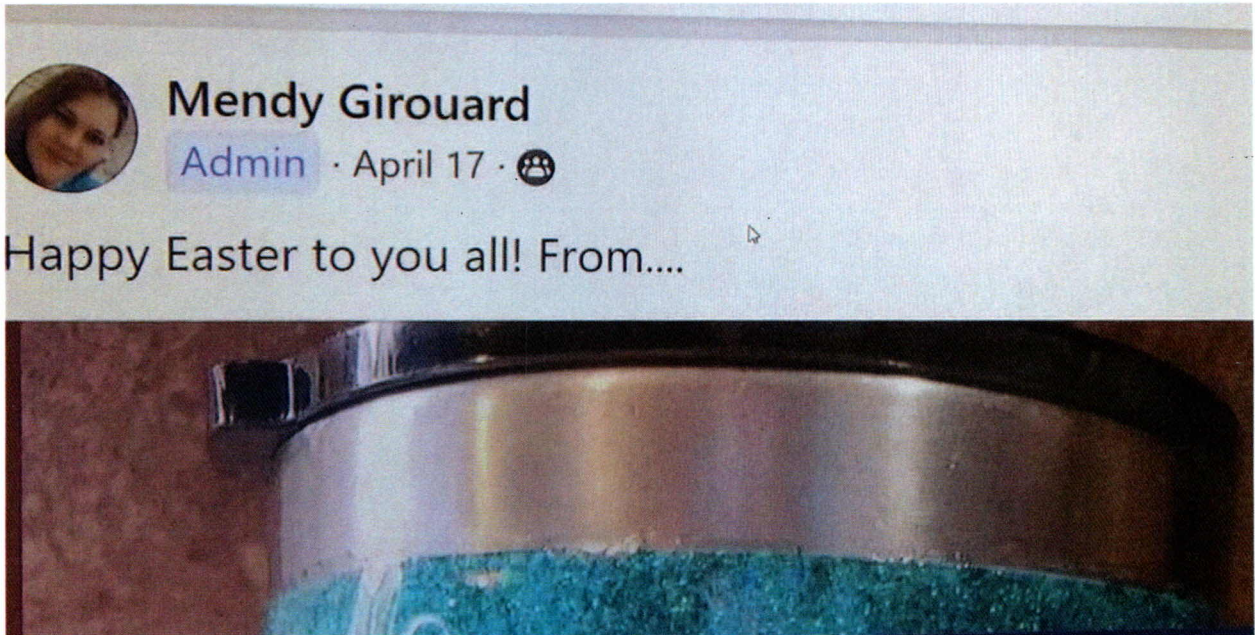
Facebook posts by Mendy Girouard threatening her group entailing whoever may have taken screen shots and supplied them to plaintiff, after which she lost 33 members overnight, or 1/3 of her group. Note: The post was subsequently deleted by Girouard.



**them. So I'm going to warn you all now,
before I find out who the culprit it is, you
better remove yourself. I will
file the proper complaints/paperwork
against you.**

EXHIBIT MOS-8

Facebook post by Mendy Girouard wishing her members a “Happy Easter” along with her vanity display of a custom-made coffee mug with “Mob Boss” emblazed therein.





Joined ▼

+ Invite

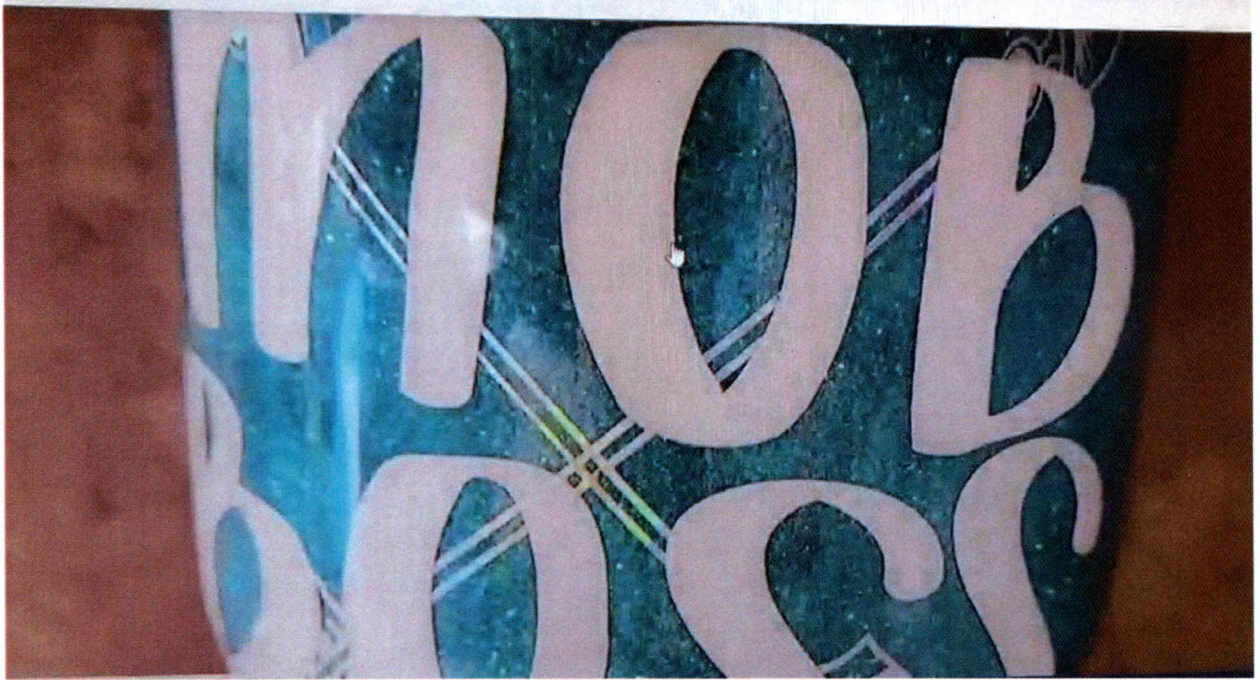


EXHIBIT MOS-9

Facebook post by Melissa Dubroc referencing neighbor Chirs Decuir as a “snake” and declaring him as “not on our side.”



Melissa Breaux Dubroc

Beware of Chris Decuir right across from Billy Broussard he is a snake. The Sherriff depth just left my house saying that Chris Decuir sent them here because we do oil changes and spill chemicals on the ground!!! Liar.....so glad they see he just a shit starter! He is NOT on our side!!