

**BILLY BROUSSARD** \* **16<sup>TH</sup> JUDICIAL DISTRICT COURT**  
**VERSUS NO. 92077 "C"** \* **PARISH OF ST. MARTIN**  
**MENDY GIROUARD AND**  
**MELISSA DUBROC** \* **STATE OF LOUISIANA**

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**MOTION TO RECUSE TRIAL JUDGE**

NOW UNTO COURT comes Plaintiff/Mover, in proper person, BILLY BROUSSARD, who moves for the Disqualification and Recusal of JUDGE VINCENT J. BORNE for the following reasons:

1.

This matter arose from Plaintiff, Billy Broussard, suing Defendants for Defamation.

2.

The case was originally assigned to Judge Roger Hamilton.

3.

Judge Hamilton voluntarily recused himself as a result of his prior legal representation of Plaintiff.

4.

The case was re-assigned to Judge Vincent Borne.

5.

At the time of re-assignment, two hearings were scheduled: one Peremptory Exception hearing sought by Defendants and one Motion to Compel hearing sought by Plaintiff.

6.

Both parties filed to have their hearings reset.

7.

Defendants' hearing for Peremptory Exception of No Cause / No Right of action was reset for February 15, 2023, while Plaintiff's Motion to Compel Discovery was reset for March 9, 2023.

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8.

Defendants' Peremptory Exception for No Cause / No Right of action was heard by this Court on February 15, 2023.

9.

During that hearing, Judge Borne, as reflected by an official transcript of the hearing, which is attached hereto and made a part hereof as Exhibit "R-A," showed repeated and extreme bias against Plaintiff which demonstrates a complete lack of objectivity to adjudicate any aspect of this case, including the Exception Hearing conducted on February 15, 2023.

10.

Defense Counsel, Eric Haik, could have asserted LA CCP 971 (Special Motion to Strike) and thereby formally sought for the Court to award reasonable attorney fees from Plaintiff Under LA CCP 971(B), which 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." Defense attorney Haik failed to file such a Motion; furthermore, the 90-day window for him to do so has now lapsed.

11.

Defense Counsel Haik could also have filed for Sanctions against Plaintiff Under LA CCP 863, which is intended to protect against the filing of "frivolous" lawsuits. Defense Counsel Haik, knowing that the bar for any award of attorney's fees pursuant to LA CCP 863 is so incredibly high (such that Defendants would have to demonstrate that they never even had any interactions with or involvement with Plaintiff or any activities in which he has engaged and that Plaintiff's action was filed in complete bad faith), opted not to make such a filing. In short, he knew such a filing would be futile.

12.

Instead, Defense Counsel Haik merely stated in Defendants' Peremptory Exception that this Court should "consider sanctioning Plaintiff with attorney fees and costs." (See bottom of page 1 of Defendants Memorandum in Support of No cause / No Right of Action).

13.

Plaintiff, in his Opposition Memorandum to Defendants' Peremptory Exception of No Cause of Action (see bottom of Page 4 of Plaintiff's Opposition Memorandum) stated that the Court, "should not dignify Defendants' request that the Court 'consider' sanctioning Petitioner" because Defendants failed miserably to properly place such a matter before the Court in the proper posture. For such "consideration" to be applicable, Defense Counsel Haik should have pursued one of the aforementioned filings. Instead, he reverted to the "consider" request and placed the onus totally upon the Court to initiate an action which Haik knew would be totally contradictory to Louisiana Law regarding which parties bear which costs in litigation.

14.

Plaintiff went on faith that he would appear before an unbiased judge who would not even reference any award of attorney fees because imposing such an award against Plaintiff would run completely contrary to Louisiana Law in the absence of one of the following:

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

#2) a specific statute by which attorney fees may be awarded (neither Defense Counsel Haik nor Judge Borne cited any in this matter, and both Haik and Borne know that no such provision is contained in LA CCP 934 dealing with 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 863, which was not done in the instant matter because any such filing would fail miserably to survive the standard for awarding such attorney fees for the aforementioned reasons previously stated,

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

15.

Instead of appearing before an unbiased judge who would (presumably) be cognizant of and (presumably) adhere to the criteria itemized in Paragraph 14 above, Plaintiff found himself, as reflected in Exhibit R-A (the official court transcript of the hearing) in front of a judge bound and determined to demonstrate his extreme disdain, prejudice, and bias not only toward Plaintiff but what appears to be disdain to an entire class of pro se litigants.

16.

At the bottom of page fifteen (15) of Exhibit R-A (page 15, beginning on line 27), Judge Borne stated (regarding any proposed judgment from the day's hearing): "Ya'll (Defense Counselors) can file it with the Clerk's office and I can electronically sign it because I won't be here tomorrow."

17.

Judge Borne, who began by admonishing Plaintiff in a harsh tone at the outset of the Hearing (see top of page two of Exhibit R-A) that, "You're held to the same standards as any attorney," nevertheless, in concert with Defense Counsel Haik, essentially treated Plaintiff as if he was nonexistent regarding being able to review any proposed judgment and pose any objections to it because Judge Borne made it clear that he intended to sign the judgment electronically the next day (Thursday, February 16, 2023) notwithstanding Local Rule 9.5 permitting Plaintiff five (5) working days to review any such proposed judgment and pose any objections which he may have.

18.

Defense Counsel LeBlanc presented Plaintiff with a Proposed Judgment within 90 minutes of the Hearing's conclusions, and she informed Plaintiff that he had until 3:30 p. m. that same day to pose any objections, or else it would be sent to Judge Borne for his signature as per Judge Borne's desire expressed in court earlier that day.

19.

A copy of the Proposed Judgment as submitted by Defense Counsel LeBlanc is attached hereto and made a part hereof as Exhibit R-B.

20.

A copy of an email correspondence between Plaintiff and Defense Counsel Haik and LeBlanc is attached hereto and made a part hereof as Exhibit R-C.

21.

Plaintiff indicated to Defense Counsel Haik that he wished to, "avail myself of the five days to which I am entitled pursuant to that Local Rule (9.5) to mull over the wording."

22.

Defense Counsel Haik responded, "It is not exactly up for discussion. You were in court and heard what the Court ordered. Please review so we can file it today, as Judge Borne requested."

23.

Plaintiff responded that, "I heard every word the judge said. I believe that he emphasized that I would be held to the same standards as an attorney, no? Does Local Rule 9.5 apply to a licensed attorney just as it would apply to me? Do what you feel you have a need to do, but I have expressed my sentiments to you."

24.

It was only at that point that Defense Counsel Haik grasped the fact that he and a biased judge in the person of Vincent Borne, who oversaw the "hearing" of the Exception matter (though "hearing" is a misnomer as the judge permitted no oral arguments whatsoever) simply were not going to succeed in their collective efforts to cram a judgment straight down Plaintiff's throat since Defense Counsel Haik emphatically declared it to be a matter, "Not exactly up for discussion," and Haik decided it may actually be best to conform to Local Rule 9.5 as Plaintiff suggested.

25.

Plaintiff did pose objections to the judgment, and his objections are contained in Exhibit R-C, the most notable of which is that he sought for a paragraph to be added entailing the strong wording of Judge Borne regarding his stated intent regarding

attorney's fees should Plaintiff opt to amend his petition, the exception be re-urged, and ultimately the amended petition fail to state a cause of action.

26.

The fact that Judge Borne would so blatantly tag-team with Defense Counsel Haik in a concerted effort to cram a Proposed Judgment down a pro se litigant's throat is merely one small element of the universe of reasons for which Plaintiff asserts that Judge Borne is clearly biased against Plaintiff in the subject matter. Judge Borne could have stated, "Present your proposed judgment to Mr. Broussard pursuant to Local Rule 9.5 and, Mr. Broussard, you'll have five working days to pose any objections to that proposed judgment, after which time Defense Counsel may submit the proposed judgment to me for signature." Instead, Borne directed Defense Counsel to have the proposed judgment in that very day so that he could "electronically sign it since I won't be here tomorrow."

27.

Judge Borne also went far beyond merely "considering" sanctioning Plaintiff regarding the imposition of attorney fees. In fact, he flat-out repeatedly used the imposition of such a sanction as a point-blank threat to Plaintiff not to amend his Petition (as Plaintiff pointed out by supplement to his original Opposition Memorandum that he had the statutory right to do if the Motion was granted).

28.

What a clearly-biased Judge Vincent Borne attempted to do was to exploit his perception that Plaintiff would not be knowledgeable of the Court's inability to impose such a sanction against Plaintiff but would nevertheless strategically exploit that perceived lack of knowledge to threaten and intimidate Plaintiff, thus showing his extreme bias against Plaintiff and toward Defense Counsel Haik in the process.

29.

The following excerpts from the official court transcript, Exhibit R-A, demonstrate Judge Borne's threats and attempts at intimidation as referenced in Paragraph 28 above:

**Page 3, beginning at line 30** (after first stating on line 12 that, “You need to pay attention to what I’m about to tell you.”):

*“If you seek to amend and re-file to attempt to state a cause of action after I’ve admonished you that on its face it doesn’t appear to state a cause of action I will consider awarding attorney’s fees to this date and to anything incurred based on coming back to hear this motion. Do you understand that?”*

**Page 4, beginning at line 29:** (after having first warned of how “costly” it could become – see line 20):

*“I’m electing to allow you to do that (amend the petition). And if you choose to do that and come back and it still doesn’t state a cause of action, I’m going to tell you now I’m going to award them attorney’s fees for what they ask for up to today and then. So you need to understand. I know you’re not an attorney. You obviously had an attorney involved in this circumstance. That’s – it may be significant cost.*

30.

Paragraph 29 above not only demonstrates Judge Borne’s clear bias against Plaintiff, but it further demonstrates that he would state in open Court that he would impose sanctions contrary to his authority and thereby violate those same legal standards to which he admonished Plaintiff that he would be strictly held to. Essentially, he ran a strong bluff, in concert with Defense Counsel Haik, that he would award attorney’s fees notwithstanding that he knew full well he lacked any legal authority do impose such legal fees to Plaintiff.

31.

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. As used in this Code, "impartiality" or "impartial" denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge. [Louisiana State Code of Judicial Conduct, Canon 2].

32.

As is evidenced by the contents of this Motion to Recuse, together with the accompanying Exhibits (R-A, R-B, and R-C), Trial Judge Vincent Borne has not only failed, but failed miserably, to uphold Louisiana State Code of Judicial Conduct, Canon 2 as itemized in Paragraph 31.

33.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned..... [Louisiana State Code of Judicial Conduct, Canon 3].

34.

LA CCP 151(A)(4) states, in pertinent part:

Art. 151. Grounds

A. A judge of any trial or appellate court shall be recused upon any of the following grounds:

(4) The judge is biased, prejudiced, or interested in the cause or its outcome or biased or prejudiced toward or against the parties or the parties' attorneys or any witness to such an extent that the judge would be unable to conduct fair and impartial proceedings.

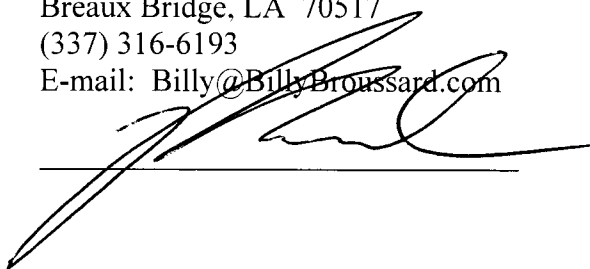
35.

Plaintiff asserts that Trial Judge Vincent Borne, through his actions and statements of Wednesday, February 15, 2023, as reflected in Exhibit R-A, has demonstrated bias against Plaintiff that clearly meets the criterion outlined in LA CCP 151(A)(4), thus prompting Plaintiff to file this Motion and Order for such recusal.

WHEREFORE, Plaintiff/Mover, BILLY BROUSSARD, prays that JUDGE BORNE recuse and disqualify himself from this matter; or, alternatively, that a hearing be set to another judge or to a judge ad hoc, as provided in LA CCP 154(B).

Respectfully Submitted,

Billy Broussard, Plaintiff Pro Se  
1307 South Main  
Breux Bridge, 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:

- 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 21<sup>st</sup> day of February, 2023.

BY: 

**Billy Broussard, in proper person.**

BILLY BROUSSARD

\* 16<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS NO. 92077-C

\* PARISH OF ST. MARTIN

MENDY GIROUARD, ET AL

\* STATE OF LOUISIANA

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**ORDER**

Considering the foregoing *Motion to Recuse Trial Judge*;

IT IS ORDERED that Judge Vincent Borne recuses and disqualifies himself from presiding in this matter; or alternatively, that a hearing be set to another judge or to a judge ad hoc, as provided in LA CCP 154(B).

THUS DONE AND SIGNED at St. Martin Parish, Louisiana this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Vincent Borne, District Judge, 16<sup>th</sup> JDC.

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

\*\*\*\*\*

BILLY BROUSSARD,

VERSUS

DOCKET NO. 092077

GIROUARD, MENDY, ET AL.

\*\*\*\*\*

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 February 15, 2023.

APPEARANCES:

REPRESENTING THE PLAINTIFF:

PRO SE

REPRESENTING THE DEFENDANT:

ERIC T. HAIK  
ALI LEBLANC

\* HON. VINCENT J. BORNE, JUDGE PRESIDING \*

REPORTED BY: MONA LANDRY, CCR

Exhibit R-A

1                   **THE COURT:**

2                   Is Mr. Haik still here?

3                   **MS. LEBLANC:**

4                   He stepped out.

5                   **THE COURT:**

6                   Is Mr. Broussard here?

7                   We can take up it's a no cause  
8                   of action exception filed by  
9                   Girouard and Dubroc, the defendants.

10                  Mr. Broussard is present. You  
11                  represent yourself, Mr. Broussard?  
12                  You understand that you're held to  
13                  the same standards as any attorney?

14                  **MR. BROUSSARD:**

15                  Yes, sir.

16                  **THE COURT:**

17                  There's an exception filed in  
18                  this matter that seeks to have this  
19                  matter dismissed because there's an  
20                  allegation that the petition that  
21                  you filed, the 40-something  
22                  paragraph petition, failed to state  
23                  a cause of action for defamation.  
24                  I've read the defendants' brief and  
25                  the response by Mr. Broussard.  
26                  Unless y'all have something profound  
27                  to say, I can rule on the matter.

28                  **MR. HAIK:**

29                  Can we make argument unless the  
30                  Court has made a decision?

31                  **THE COURT:**

32                  Well, it's pretty clear on its

1 face and I'll tell you this, that,  
2 Mr. Broussard, your petition does  
3 fail to state a cause of action on  
4 its face. And they're seeking to  
5 have costs which I think are  
6 appropriate -- hold on -- and then  
7 attorney's fees which may become  
8 appropriate. I'm not going to grant  
9 them today. They're seeking to have  
10 the matter dismissed. I don't think  
11 that's necessarily appropriate at  
12 this time, but you need to pay  
13 attention to what I'm about to tell  
14 you. I've just told you on its face  
15 if everything is true, that your  
16 petition doesn't state a cause of  
17 action, what the defense is asking  
18 is I just dismiss it outright or  
19 allow you time to amend it.

20 **MR. BROUSSARD:**

21 Yes, sir.

22 **THE COURT:**

23 So I'm going to grant the  
24 exception, assess you with cost for  
25 today's hearing, initially deny the  
26 request for them to recover attorney  
27 fee's for this proceeding. Allow  
28 you 15 days to amend to either state  
29 a cause of action or voluntarily  
30 dismiss this petition. If you seek  
31 to amend and re-file to attempt to  
32 state a cause of action after I've

1           admonished you that on its face it  
2           doesn't appear to state a cause of  
3           action, I will consider awarding  
4           attorney's fees to this date and to  
5           anything incurred based on coming  
6           back to hear this motion.

7           Do you understand that?

8           **MR. BROUSSARD:**

9           From this date forward?

10          **THE COURT:**

11                 No. I'm telling you, you know  
12                 now that I haven't at this point  
13                 awarded them attorney's fees  
14                 because -- and I've granted the  
15                 exception. If we move forward, I'm  
16                 going to consider granting them  
17                 attorney's fees from the day we come  
18                 back to argue it and attorney's fees  
19                 for this proceeding. So it could be  
20                 costly if you fail to state a cause  
21                 of action in your amendment. If you  
22                 seek to amend your petition to state  
23                 of cause of action, I'd admonish  
24                 that if everything you say is true,  
25                 it doesn't appear to state a cause  
26                 of action and the remedy is for me  
27                 to grant their motion outright or  
28                 give you time to amend to state a  
29                 cause of action. I'm electing to  
30                 allow you to do that. And if you  
31                 choose to do that and come back and  
32                 it still doesn't state a cause of

1           action, I'm going to tell you now  
2           I'm going to award them attorney's  
3           fees for what they ask for up to  
4           today and then. So you need to  
5           understand. I know you're not an  
6           attorney. You obviously had an  
7           attorney involved in this  
8           circumstance. That's -- it may be a  
9           significant cost. You obviously I  
10          think you mention in your petition  
11          at some point that attorneys are not  
12          cheap or in your response.

13                 Do you have any questions for me  
14          because if you come back and don't  
15          state a cause of action and we hear  
16          this matter again, I'm telling you  
17          I'm going to award attorney's fees?

18         **MR. BROUSSARD:**

19                 The only thing pending is  
20          there's another hearing pending on  
21          March 9th, I believe.

22         **THE COURT:**

23                 In this matter?

24         **MS. LEBLANC:**

25                 It's the motion to compel.

26         **MR. BROUSSARD:**

27                 I don't know what that means.

28         **THE COURT:**

29                 They're saying you have to get  
30          through this hearing before you get  
31          to that hearing. I think that's  
32          your position, right?

1           **MR. HAIK:**

2                           Yes.

3           **MR. BROUSSARD:**

4                           So after today -- the other one  
5                           is --

6           **THE COURT:**

7                           Time out. I've granted their  
8                           exception. I've told you that  
9                           they're correct. You don't state a  
10                          cause of action even if everything  
11                          you say is true. I could just  
12                          dismiss your petition today, but  
13                          there is the more used response to  
14                          some of these things is to allow you  
15                          15 days to amend. You could  
16                          voluntarily dismiss it and you pay  
17                          your costs and it's done. I've kind  
18                          of told you I don't know how you get  
19                          there. If you choose to seek to  
20                          amend it, they're asking for  
21                          attorney's fees. As of today, I'm  
22                          not going to grant it. I'm telling  
23                          you that if you don't state a cause  
24                          of action and we come back to hear  
25                          this again, I'm going to grant  
26                          attorney's fees they incur for today  
27                          until then, but the attorney's fees  
28                          they're asking for up to this point.  
29                          So that may or may not be  
30                          significant, I don't know; but I  
31                          don't know if it was the memoire or  
32                          your petition, you talked about how



1           expensive attorneys cost. But you  
2           had an attorney apparently from my  
3           reading of the motions and the  
4           memo -- you had retained somebody  
5           involved in the circumstances  
6           leading up to this litigation. You  
7           understand that? You had an  
8           attorney with regards to the  
9           circumstances.

10       **MR. BROUSSARD:**

11           No, I haven't had an attorney in  
12           this.

13       **THE COURT:**

14           You've never had an attorney  
15           with regard to the circumstances  
16           with the land dispute?

17       **MR. BROUSSARD:**

18           Yes, I have another attorney  
19           that's handling a separate matter.

20       **THE COURT:**

21           What I'm trying to point out to  
22           you because you're representing  
23           yourself, you alluded to in your  
24           memorandum the cost of attorneys is  
25           expensive, that may be why you're  
26           handling it yourself, but they have  
27           attorneys. They're incurring costs.  
28           And at this point, I'm not granting  
29           them attorney's fees, but I'm  
30           telling you that if you don't state  
31           a cause of action and seek to amend  
32           it and move forward even though I've

1           admonished you that it don't seem  
2           that you're there, I will award  
3           attorney's fees and not just the  
4           attorney fees they're going to incur  
5           to prepare for the next hearing if  
6           it comes up, but the attorney's fees  
7           they've incurred up to today.

8           **MR. BROUSSARD:**

9                     That's fine.

10          **THE COURT:**

11                    So you have two choices, to  
12                    amend in 15 days and try to state a  
13                    cause of action or dismiss your  
14                    petition based upon the  
15                    circumstances that we laid out to  
16                    you.

17                    Do you have any questions about  
18                    that?

19          **MR. BROUSSARD:**

20                    (Shakes head negatively.)

21          **THE COURT:**

22                    I'm casting you to pay all costs  
23                    incurred for this proceeding for  
24                    this motion. You understand that?

25          **MR. BROUSSARD:**

26                    The cost of this motion --

27          **THE COURT:**

28                    Is incurred by you.

29          **MR. BROUSSARD:**

30                    -- Is incurred by me.

31          **THE COURT:**

32                    It's cast with you. They

1           prevailed. Even though I haven't  
2           dismissed the suit, they prevailed.

3           **MR. BROUSSARD:**

4                     But you are granting my  
5                     supplement?

6           **THE COURT:**

7                     I'm granting their relief, not  
8                     the relief they asked for, but I'm  
9                     granting their exception giving you  
10                    15 days to amend your petition to  
11                    state a cause of action with an  
12                    admonishment from the Courts what's  
13                    going to occur if you seek to do  
14                    that and it doesn't state a cause of  
15                    action. Now, I've tried to be as  
16                    clear as I can be.

17           **MR. HAIK:**

18                    You don't have to file an  
19                    amended petition. I suggest that  
20                    you don't. If we have to come back,  
21                    we're going to pursue attorney's  
22                    fees today and for the record --

23           **THE COURT:**

24                    Mr. Haik alluded to the fact  
25                    that I told him I would grant  
26                    attorney's fees if we go forward and  
27                    he said he's on notice of that,  
28                    you're on notice of that.

29           **MR. HAIK:**

30                    We are incurring costs and  
31                    attorney's fees.

32           **THE COURT:**

1           So today the judgment that I'll  
2           ask Mr. Haik to prepare will be  
3           granting the exception with the  
4           15 days to amend. Y'all want to  
5           give a date certain -- get a date  
6           certain? I think it's like the --  
7           what is March 5th? That's a little  
8           more than 15 days. Let's give a  
9           date certain instead of saying 15  
10          days where you have to calculate all  
11          of that.

12         **MR. HAIK:**

13                 March 3rd which is a Friday.

14         **THE COURT:**

15                 March 3rd is 15 days?

16                 March 3rd. So March 3rd by 4:30  
17                 p.m., Mr. Broussard, you have to  
18                 have filed your amended petition if  
19                 that's the route you seek to take.  
20                 And I think what may come after that  
21                 is they'll re-urge their exception  
22                 if they allege you haven't stated a  
23                 cause of action. If we get to that  
24                 point and this exception is  
25                 maintained again, you won't have  
26                 time to amend it again. And I'm  
27                 telling you now and they're  
28                 acknowledging to the Court that  
29                 they're going to seek attorney's  
30                 fees. I'm telling you I'll grant  
31                 attorney's fees, reasonable  
32                 attorney's based upon that because

1           you've been given notice that the  
2           Court tells you -- has admonished  
3           you that you may have a problem  
4           meeting that burden.

5           Do you know understand that?

6           **MR. BROUSSARD:**

7           Yes, sir.

8           **THE COURT:**

9           Do you have any questions?

10          **MR. BROUSSARD:**

11          No, sir.

12          **THE COURT:**

13                 So you have to either file an  
14                 amended petition on or before 4:30  
15                 Friday, March 3rd.

16          **MR. BROUSSARD:**

17                 I have one question. You're  
18                 saying this is a date set for  
19                 March 3rd. Say I amend the petition  
20                 and the hearing is set for March 9th  
21                 for them to prevail to provide me  
22                 with Facebook posts.

23          **THE COURT:**

24                 What he's saying is that you get  
25                 past this exception before you get  
26                 into those discovery issues.

27          **MR. BROUSSARD:**

28                 That was my question.

29          **THE COURT:**

30                 So do y'all think we have to  
31                 have a second date to have --

32          **MR. HAIK:**

1 I would suggest we just bump the  
2 motion to compel given the pending  
3 issues that won't be resolved  
4 possibly on the 3rd. If he amends  
5 his petition and it doesn't suffice,  
6 I'm going to file another exception.  
7 So I would just prefer to bump his  
8 motion to compel.

9 **THE COURT:**

10 Do y'all want to get a date  
11 certain to where we know we are  
12 done -- if you don't file something,  
13 y'all can maybe resolve it. If not,  
14 we'll set anything that's left over  
15 for the April rule date and we'll  
16 put the motion to compel on that  
17 date.

18 **MR. HAIK:**

19 Yes, sir.

20 **THE COURT:**

21 April 3rd. So you want to  
22 procedurally fix the motion to  
23 compel to April 3rd by agreement?

24 **MR. HAIK:**

25 Yes, sir.

26 **THE COURT:**

27 Mr. Broussard, you understand  
28 that? So your motion to compel will  
29 reset without objection to the  
30 Court's order to April 3rd. To the  
31 extent there is an amended petition  
32 filed and if there's an ongoing

1 rejection and the exception is  
2 re-urged in light of the amendment,  
3 we'll order that to be filed within  
4 15 days of the petition. Y'all  
5 filed it timely, but if you want to  
6 set it for that date, we'll set it  
7 for that date.

8 **MR. HAIK:**

9 We'll be ready to go by the 3rd  
10 if he files his amended petition.

11 **THE COURT:**

12 I don't want to screw up the  
13 code on the time delays.

14 **MR. HAIK:**

15 We agree to that.

16 **THE COURT:**

17 So on April we'll have a  
18 resolution of this issue if they  
19 file an exception after if you  
20 choose to amend it.

21 Do you have any questions for  
22 me, Mr. Broussard?

23 **MR. BROUSSARD:**

24 The very last part I didn't  
25 understand.

26 **THE COURT:**

27 So we're trying to get you a  
28 date certain to get this resolved  
29 because I've given you some leeway  
30 to amend your petition by the 3rd of  
31 March which is a Friday and I say  
32 4:30 because I think that's when the

1 Clerk's -- y'all close at 4:30 on  
2 Friday?

3 **THE CLERK:**

4 Yes, sir.

5 **THE COURT:**

6 So 4:00, 4:30 on March 3rd you  
7 have to file an amended petition if  
8 that's what you choose to do or you  
9 can dismiss your petition or do  
10 nothing and then they'll file  
11 whatever they want to file, but  
12 the -- the --

13 **MR. HAIK:**

14 Motion to compel.

15 **THE COURT:**

16 -- motion to compel is continued  
17 to April the 3rd. Then if you file  
18 an amended petition, the defense has  
19 indicated they would review it and  
20 if they believe they can re-urge  
21 their exception even to the amended  
22 petition, they're going to seek to  
23 have that set which is the  
24 continuation of this hearing to  
25 April 3rd which would also be  
26 indicated they've indicated in Court  
27 to seek cost and attorney's fees on  
28 that date.

29 You understand all of that?

30 **MR. BROUSSARD:**

31 Yes, sir.

32 **THE COURT:**



1                   And if there's some procedural  
2                   delays that I'm overlooking --

3           **MR. HAIK:**

4                   No. We appreciate it.

5           **THE COURT:**

6                   That's all we have of this.

7                   I've gotten Mr. Haik or the defense  
8                   to file a judgment that casts you  
9                   with costs and spells out the  
10                  Court's ruling.

11          **MR. BROUSSARD:**

12                  That cost is this Court cost?

13          **THE COURT:**

14                  The Court cost for this  
15                  proceeding. And I'll sign that --

16          **MR. HAIK:**

17                  We have an order prepared  
18                  granting the exception. I'll need  
19                  to fill in some additional stuff.  
20                  We'll get it typed up.

21          **MS. LEBLANC:**

22                  We'll have it by the end of the  
23                  day.

24          **MR. HAIK:**

25                  You can take a look at it.

26          **THE COURT:**

27                  Y'all can file it with the  
28                  Clerk's office and I can  
29                  electronically sign it because I  
30                  won't be here tomorrow.

31                  **(Hearing concluded.)**

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REPORTER'S PAGE

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

That due to the interaction in  
the spontaneous discourse of this  
proceeding, dashes (--) have been used to  
indicate pauses, changes in thought, and/or  
talkovers; that same is the proper method  
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proceeding, and that the dashes (--) do not  
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and/or names which could not be verified  
through reference material have been denoted  
with the phrase "(phonetic)";

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

MONA LANDRY  
Certified Court Reporter

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CERTIFICATE

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

I, Mona Landry, Official Reporter in and for the State of Louisiana, employed as an official court reporter serving the 16th Judicial District Court for the Parishes of St. Mary, Iberia and St. Martin, State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that this testimony was reported by me in the stenotype realtime method and was transcribed and prepared by me or someone under my supervision using CAT software, and that this 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 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.

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

**BILLY BROUSSARD** \* **16<sup>TH</sup> JUDICIAL DISTRICT COURT**  
**VERSUS NO. 92077 "C"** \* **PARISH OF ST. MARTIN**  
**MENDY GIROUARD AND**  
**MELISSA DUBROC** \* **STATE OF LOUISIANA**

---

**JUDGMENT ON DEFENDANTS' EXCEPTION OF NO RIGHT/ NO CAUSE OF ACTION**

This Exception of No Cause of Action came to be heard before the Honorable Vincent J. Borne on February 15, 2023.

**Present:** **Billy Broussard, in proper person**  
**Ali LeBlanc and Eric Haik on behalf of Mendy Girouard and Melissa Dubroc**

After hearing the pleadings, evidence, and arguments of counsel, the court considering the law and evidence to be in favor of the Defendants, **MENDY GIROUARD** and **MELISSA DUBROC**, and against Plaintiff, **BILLY BROUSSARD**, for the reasons orally assigned this day,

**IT IS ORDERED, ADJUDGED AND DECREED** that the Defendants', **MENDY GIROUARD** and **MELISSA DUBROC**, Exception of No Right/No Cause of Action is **GRANTED** at Plaintiff's cost.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff amend his Petition to state a cause of action by Friday, March 3, 2023 at 4:30 p.m.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Motion to Compel hearing currently set for March 9, 2023 at 9:00 a.m. has been reset for April 3, 2023 at 9:00 a.m. Additionally, should another Exception of No Right/No Cause of Action hearing be necessary after Plaintiff amends his Petition, said hearing has also been reset for April 3, 2023 at 9:00 a.m.

**THUS DONE AND SIGNED** on this \_\_\_\_ day of \_\_\_\_\_, 2023, in St. Martinville, St. Martin Parish, Louisiana.

---

**JUDGE VINCENT J. BORNE**

Exhibit R-B

**From:** Billy Broussard <billy@billybroussard.com>  
**Date:** February 19, 2023 at 5:48:51 PM CST  
**To:** Eric Haik <ehaik@hmg-law.com>  
**Cc:** Ali LeBlanc <ali@hmg-law.com>, Elaina Champagne <echampagne@hmg-law.com>  
**Subject:** Re: Judgment on Exception

Mr. Haik:

First, thank you for your belated recognition of the fact that, pursuant to Local Rule 9.5, I am afforded a minimum five (5) working-day period in which to pose objection to the your proposed judgment's wording notwithstanding your declaration that it is, "Not up for discussion."

Having said that, I do have objections to the Judgment's wording, and here are the changes I want either incorporated into your proposed judgment or, in the alternative, a notation on the judgment as part of the Local Rule 9.5 required disclosure which was conveniently absent from your proposed judgment, that I have the following objections:

Here is an existing paragraph in the judgment:

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff amend his Petition to state a cause of action by Friday, March 3, 2023 at 4:30 p.m.

I desire for that paragraph to be completely re-written as follows:

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff has the option to amend his Petition to state a cause of action by Friday, March 3, 2023 at 4:30 p.m. or otherwise voluntarily dismiss his petition.

Exhibit R-C

I also desire for the following paragraph to be added immediately after the paragraph above.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff has been advised that, should he opt to amend his Petition in accordance with the preceding paragraph and should Defendants reassert another Exception of No Right/No Cause of Action and, should another hearing transpire at which this Court deems the Exception to not be cured through that amendment, this Court is inclined to assess Defendants' legal fees in their entireties from the outset of the litigation through the date of the second granting of the Exception against Plaintiff.

In the next-to-last paragraph, I only seek to change the word "after" (there is only one occurrence) to "in the event."

Those constitute my objections to the Judgment's wording, and I believe my changes more accurately reflect what the judge uttered from the bench notwithstanding your contention that the matter, "is not up for discussion;" however, as I previously noted to you, the judgment is deficient in that it fails to notate ANY circulation of the proposed judgment in conformity with Local Rule 9.5. Thus, I ask that you insert the following wording after the final paragraph:

#### **RULE 9.5(b) CERTIFICATE**

I certify that I circulated this proposed judgment to counsel for all parties and/or to self-represented parties by email on February 15, 2023, and that:

\_\_\_no opposition was received; or

X the following opposition was received:

Plaintiff pro se Billy Broussard objects to the wording of the judgment as follows (thereafter insert my objections as noted above):

I have allowed at least five (5) working days before presentation to the court.

Certified this \_\_\_ day of February, 2023.

---

Again, thank you for your belated recognition of my right to review and object to your judgment's wording and for your implicit backing off of your contention that it is, "not up for discussion."

Thank You!

Billy Broussard

Sent from my iPhone

On Feb 15, 2023, at 2:16 PM, Eric Haik <[ehaik@hmg-law.com](mailto:ehaik@hmg-law.com)> wrote:

We will respect your request and wait and file it within 5 days or by Wednesday 2/22/23, unless you agree to its terms beforehand.

**Eric T. Haik**

<image003.jpg>

**HAIK MINVIELLE, GRUBBS, & D'ALBOR, LLP**  
**Attorneys at Law**

Main Office:  
1017 E Dale Street

P. O. Box 11040  
New Iberia, LA 70562-1040  
P (337) 365-5486  
F (337) 367-7069  
Website: [hmg-law.com](http://hmg-law.com)  
Email: [ehaik@hmg-law.com](mailto:ehaik@hmg-law.com)

New Orleans Satellite Office:  
201 St. Charles Avenue, Suite 2500  
New Orleans, LA 70170  
P (504) 754-6966  
F (504) 524-7979

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**From:** Billy Broussard <[billy@billybroussard.com](mailto:billy@billybroussard.com)>  
**Sent:** Wednesday, February 15, 2023 2:02 PM  
**To:** Eric Haik <[ehaik@hmg-law.com](mailto:ehaik@hmg-law.com)>  
**Cc:** Ali LeBlanc <[ali@hmg-law.com](mailto:ali@hmg-law.com)>  
**Subject:** Re: Judgment on Exception

I heard every word the judge said.

I believe that he emphasized that I would be held to the same standards as an attorney, no?

Does Local Rule 9.5 apply to a licensed attorney just as it would apply to me?

Do what you feel you have a need to do, but I have expressed my sentiments to you.

Sent from my iPhone

On Feb 15, 2023, at 1:42 PM, Eric Haik <[ehaik@hmg-law.com](mailto:ehaik@hmg-law.com)> wrote:

Mr. Broussard:

The order simply recites the Judge's open court ruling. It is not exactly up for discussion. You were in court and heard what the Court ordered. Please review so we can file it today, as Judge Borne requested.

**Eric T. Haik**

<image002.jpg>

**HAIK MINVIELLE, GRUBBS, & D'ALBOR, LLP**  
**Attorneys at Law**



Main Office:

1017 E Dale Street  
P. O. Box 11040  
New Iberia, LA 70562-1040  
P (337) 365-5486  
F (337) 367-7069  
Website: [hmg-law.com](http://hmg-law.com)  
Email: [ehaik@hmg-law.com](mailto:ehaik@hmg-law.com)

New Orleans Satellite Office:

201 St. Charles Avenue, Suite 2500  
New Orleans, LA 70170  
P (504) 754-6966  
F (504-524-7979

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**From:** Billy Broussard <[billy@billybroussard.com](mailto:billy@billybroussard.com)>  
**Sent:** Wednesday, February 15, 2023 1:37 PM  
**To:** Ali LeBlanc <[ali@hmg-law.com](mailto:ali@hmg-law.com)>  
**Cc:** Eric Haik <[ehaik@hmg-law.com](mailto:ehaik@hmg-law.com)>  
**Subject:** Re: Judgment on Exception

Thank you, Ali, for your prompt submission of this proposed judgment.

What I'd like to do is for us to follow Local Rule 9.5, and I wish to avail myself of the five days to which I am entitled pursuant to that Local Rule to mull over the wording.

Hence, if I have not objected by Monday, February 20, 2023, then at that point, you may submit the judgment, but I would respectfully request that you make notation of having circulated this judgment to me again in conformity with Local Rule 9.5.

If I do opt to object to the proposed judgment's wording, I commit to communicate any such objection no later than 2 p.m. Monday, February 20, 2023.

I know you're familiar with Local Rule 9.5, but I provide the link for it for your convenience.

<https://casetext.com/rule/louisiana-court-rules/rules-for-louisiana-district-courts/title-ii-rules-for-civil-proceedings-in-district-courts/chapter-9-procedure/rule-95-courts-signature-circulation-of-proposed-judgment-request-for-reasons-for-judgment>

Thank you again, Ali, and I hope you have a happy Mardi Gras!

Billy

Sent from my iPhone

On Feb 15, 2023, at 11:49 AM, Ali LeBlanc <[ali@hmg-law.com](mailto:ali@hmg-law.com)> wrote:

Mr. Broussard,

Pursuant to today's hearing, please see the attached Judgment. Let me know if you have any proposed changes.

If I do not hear from you by 3:30 p.m. today, then I will file it as is this afternoon with the Clerk of Court.

Sincerely,

**Ali LeBlanc**  
***Associate Attorney***

<image001.jpg>

**HAIK MINVIELLE, GRUBBS, & D'ALBOR, LLP**  
**Attorneys at Law**

Main Office:

1017 E Dale Street  
P. O. Box 11040  
New Iberia, LA 70562-1040  
P (337) 365-5486  
F (337) 367-7069  
Website: [hmg-law.com](http://hmg-law.com)  
Email: [ali@hmg-law.com](mailto:ali@hmg-law.com)

New Orleans Satellite Office:

201 St. Charles Avenue, Suite 2500  
New Orleans, LA 70170  
P (504) 754-6966  
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<Judgment on Exception.docx>