

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

BELINDA PARKER BROWN, CHARLIE	* NUMBER: 745576
SQUARE, RITA M. McDONALD, TIM	*
HOLMES, CHIEF LINDA TAHANE,	* DIVISION: "26"
HVISHI OPA LUKSI, KATRINA BROWN	*
	*
VERSUS	*
	*
LOUISIANA STATE POLICE	*
COMMISSION, EULIS SIMIEN, JR.,	*
OLIVER JENKINS, BERNELL NEVIL, JR.,	*
TONY PIERITE, LT. MONTY	*
MONTELONGO, JARED CARUSO-	*
RIECKE, MARK "AUBREY" COLE	*
	*
	*

**ANSWER TO PETITION FOR DAMAGES, AFFIRMATIVE DEFENSES
AND REQUEST FOR NOTICE**

NOW INTO COURT, through undersigned counsel, come defendants, the Louisiana State Police Commission ("LPSC"), Eulis Simien, Jr., Oliver Jenkins, Bernell Nevil, Jr., Tony Pierite, Lt. Monty Montelongo, Jared Caruso-Riecke, Mark "Aubrey" Cole (collectively "Defendants"), and in answer to the Petition for Damages filed by plaintiffs, Belinda Parker Brown, Charlie Square, Rita M. McDonald, Tim Holmes, Chief Linda Tahane, Hvishi Opa Luksi, Katrina Brown ("Plaintiffs"), deny each and every allegation contained therein except as specifically admitted hereafter. In further answering, Defendants plead and aver as follows:

1.

The allegations contained in Paragraph 1 of the Petition for Damages are denied for lack of information sufficient to justify a belief therein.

2.

Defendants admit the allegations contained in paragraph 2 except that Defendants deny that Oliver Jenkins, Bernell Nevil and Tony Pierite are members of the Louisiana State Police Commission (hereafter referred to as "LSPC").

3.

The allegations contained in Paragraph 3 are denied as written. Defendants admit that a digital copy of the letter described was sent to each Defendant on January 20, 2024; however, the letter was not opened and digitally signed by all Defendants on that date. Defendants, Simien,

Montelongo, and Jenkins, “e-signed” the letter on January 20, 2024. Defendants, Cole and Pierite, “e-signed” the letter on January 21, 2024. Defendant, Caruso-Riecke, “e-signed” the letter on January 22, 2024.

4.

Defendants admit the allegations contained in Paragraph 4 of the Petition for Damages except that Defendants deny the allegation that, “The family of the late Captain Liberto, along with numerous law-enforcement officers who assisted in the prosecution appear in the photo” for lack of information sufficient to justify a belief therein. Defendants admit that there are state troopers pictured in the photo.

5.

Defendants deny the allegations contained in Paragraph 5 of the Petition for Damages as written; however, Defendants admit the letter attached as Exhibit P-1 to the Petition for Damages is the best evidence of its contents and pleads the contents of the letter as though written herein *in extenso*.

6.

The allegations contained in Paragraph 6 of the Petition for Damages are denied. Defendants further allege that the open meetings laws (La. R.S. 42:11, *et seq.*) did not require that there be a public meeting to send a letter to Mr. Sims, a person over whom the LSPC had no jurisdiction.

7.

The allegations contained in Paragraph 7 of the Petition for Damages are admitted; however, Defendants deny that every act of the LSPC requires an open meeting as described in the statutes.

8.

Defendants admit that La. R.S. 42:12 is titled, “Public policy for open meetings; liberal construction,” and that subpart A provides: “It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions

that go into the making of public policy. Toward this end the provisions of this Chapter shall be construed liberally.” Defendants deny the remaining allegations of Paragraph 8 of the Petition for Damages.

9.

The allegations contained in Paragraph 9 of the Petition for Damages are admitted.

10.

The allegations contained in Paragraph 10 of the Petition for Damages are denied.

11.

The allegations contained in Paragraph 11 of the Petition for Damages are denied.

12.

The allegations contained in Paragraph 12 of the Petition for Damages are denied.

13.

The allegations contained in Paragraph 13 of the Petition for Damages are denied.

AND NOW FURTHER ANSWERING, Defendants plead the following affirmative defenses:

14.

Plaintiffs’ Petition for Damages fails to establish a cause of action or a claim upon which relief may be granted against Defendants. Plaintiffs did not set forth in their petition, nor can they prove the elements of a cause of action for violation of the Open Meetings Laws (La. R.S. 42:11, *et seq.*) against any of the Defendants.

15.

The Open Meetings Laws, La. R.S. 42:11 *et seq.* are not applicable to the facts alleged in the Petition for Damages.

16.

The LSPC was established in the Louisiana Constitution and was provided jurisdiction over the classified state police service. It has broad and general rulemaking and subpoena powers for the administration and regulation of the state police service only. (La. Const. art. 10,

§48). At all relevant times, including January, 2024, Collin Sims was not a member of the classified state police service; therefore, the LSPC had no jurisdiction, custody or control over Mr. Sims.

17.

Defendants did not engage in public business through a meeting that was not appropriately before the public as defined in La. R.S. 42:14 and La. R.S. 42:28.

18.

Plaintiffs have not alleged in their Petition, nor can they prove, there was a “meeting” of the LSPC that was in violation of the Open Meetings Law. Regarding the letter, dated January 20, 2024, that was addressed to Mr. Collin Sims (hereafter sometimes referred to as “the subject letter”), there was no convening of a quorum of the LSPC to deliberate or act on a matter over which the LSPC had supervision, control, jurisdiction or advisory power.

19.

The LSPC has no jurisdiction, supervision, or control over the content of Collin Sims’ campaign material.

20.

Plaintiffs have not alleged, nor can they prove that the subject letter concerned a matter over which the LSPC had jurisdiction, supervision or control.

21.

None of the Defendants knowingly and willfully participated in a meeting conducted in violation of the Open Meetings Law.

22.

The vote of a quorum was not required to issue the subject letter.

23.

The Defendants did not meet to discuss the content of the subject letter or the sending of the subject letter. There were no discussions among a quorum of the Defendants about the subject letter or the sending of the subject letter.

24.

Defendants allege that this proceeding brought by Plaintiffs is of a frivolous nature and was brought with no substantial justification; therefore, Defendants pray for an award of reasonable attorney fees.

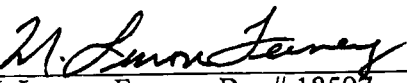
REQUEST FOR NOTICE

In accordance with the provisions of Articles 1913 and 1914 of the Louisiana Civil Procedure, the Clerk of Court is hereby requested to give the undersigned counsel of record immediate written notice of any order or judgment made or rendered in this case, upon entry of all such orders or judgments whether on the merits, exceptions, rules or amendments thereof or to give the undersigned notice of any such hearings, rule dates and assignments of this matter presently pending. The Clerk of Court is further requested to give ten (10) days advanced notice in accordance with Louisiana Code of Civil Procedure Article 1572, of any trial, hearing, rule, pre-trial conference or other assignment in the above captioned matter.

WHEREFORE, Defendants, the Louisiana State Police Commission, Eulis Simien, Jr., Oliver Jenkins, Bernell Nevil, Jr., Tony Pierite, Lt. Monty Montelongo, and Jared Caruso-Riecke, Mark "Aubrey" Cole, pray that this Answer and Affirmative Defenses to Plaintiffs' Petition for Damages be deemed good and sufficient, and that after due proceedings are had there be judgment rendered herein in favor of Defendants, dismissing Plaintiffs' claims, with prejudice, at Plaintiffs' cost. Defendants further pray that should the Court find the proceedings were of a frivolous nature and brought with no substantial justification, that it award reasonable attorney fees to the Defendants. Defendants further pray for all other general and equitable relief to which they may be entitled.

Respectfully submitted,

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


By 
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been sent via electronic mail, fax and/or United States mail, postage prepaid to the following:

Belinda Parker-Brown 1622 11th Street Slidell, LA 70458 Via: belindabrownl1d@yahoo.com	Charlie Square 4480 Pontchartrain Drive, Apt. 105 Slidell, LA 70458 Via: Posquale9852@yahoo.com
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Baton Rouge, Louisiana, this 20 day of September, 2024.


M. Lenore Feeney