

10TH JUDICIAL DISTRICT COURT
PARISH OF NATCHITOCHES
STATE OF LOUISIANA

NUMBER: C-90,284

CALVIN W. BRAXTON, SR.

VERSUS

LOUISIANA STATE TROOPERS ASSOCIATION AND
JAY OLIPHANT

RECEIVED AND FILED
DAVID STAMEY
CLERK OF COURT
2020 FEB 12 1 P 1:07
BY: NATCHITOCHES PARISH CLERK
ALEX H. H.

SECOND SUPPLEMENTAL AND AMENDING PETITION

The Second Supplemental and Amending Petition of Calvin W. Braxton, Sr., a resident of the full age of majority of Natchitoches Parish, Louisiana, said supplements and amendments are reflected in bold print, respectfully represents:

1.

The defendants enumerated below are justly and truly indebted unto Petitioner, jointly and in solido as allowed by law, for all sums as are reasonable under the premises, legal interest thereon from the date of demand until paid, and all such other relief to which Petitioner is entitled at law or in equity:

1. Louisiana State Troopers Association (hereinafter "LSTA"), a Louisiana non-profit association, domiciled in East Baton Rouge Parish, Louisiana; and,
2. Jay Oliphant, a resident of the full age of majority of Natchitoches Parish, Louisiana;
3. **State of Louisiana, Department of Public Safety and Corrections, Office of State Police, an entity of the State of Louisiana domiciled in East Baton Rouge Parish, Louisiana.**

2.

Petitioner is a life-long resident of Natchitoches Parish. Petitioner is a highly successful businessman. Petitioner, who came from humble beginnings, worked tirelessly not only to support his family, but also for the community and throughout the State of Louisiana helping those less fortunate. As a result of his hard work and industry, Petitioner enjoyed an excellent reputation as a businessman, family man, community leader, and pioneer.

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10TH JDC, NATCHITOCHES PARISH

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Feb. 19, 2020, 1:07 P. M.

3.

In 2015, Petitioner was asked by Governor Jindal to serve as a member of the Louisiana State Police Commission and he willingly undertook that volunteer, unpaid service to the citizens of the State of Louisiana on June 10, 2015. The Louisiana State Police Commission oversees the civil service of the Louisiana State Police and was created pursuant to La. Const. Art. X, Part IV.

4.

After assuming his position on the Louisiana State Police Commission, Petitioner became aware of several improprieties regarding the operation and then function of the Louisiana State Police. Specifically, on or about December 18, 2015, Petitioner became aware of political donations being made by members of the Louisiana State Troopers Association through its Executive Director, David Young. Namely, Petitioner learned that active classified members of the Louisiana State Police, through the Louisiana State Troopers Association (LSTA) were making political contributions and engaging in “political activities” and, further, that members of the State Police Commission were making political contributions while sitting as active members and officers of the State Police Commission. Pursuant to La. Const. Art. X, §47, “[N]o member of the commission and no state police officer in the classified service shall participate or engage in political activity; . . . make or solicit contributions for any political party, faction, candidate, or any political campaign. . .” . . . “[N]o person shall solicit contributions for political purposes from any classified state police officer or use or attempt to use his position to punish or coerce the political action of a classified state police officer.” Pursuant to §47C, “political activity” “means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election.”

5.

In addition to the prohibitions contained in the Louisiana Constitution, State Police Commission Rule 14.2 prohibits all members of the State Police Commission and classified members of the State Police Service from the following: “1. Participate or engage in political activity, including, but not limited to, any effort to support or oppose the election of a candidate for political office or support or oppose a particular party in an election . . . 4. Make or solicit contributions for any political purpose, party, faction or candidate; . . 6. Take active part in the management of the affairs of a political party, faction, candidate, or any political campaign. . . 8.

Directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political party, faction, or candidate, nor solicit or take part in soliciting any such assessment, subscription or contribution, and no person shall solicit any such assessment, subscription or contribution of any classified employee in the State Police Service”.

6.

Upon receipt of the information in December, 2015, Petitioner, as part of the State Police Commission and through the Commission’s Executive Director began an investigation of the prohibited political activities of current, active and classified members of the State Police Service. On January 14, 2016, it was discovered that the LSTA Executive Director had been making political contributions to various political candidates in his name, but that he was reimbursed by the LSTA from dues collected by LSTA from its members, including current, active members of the State Police classified service. Petitioner thereafter participated in a series of written notifications and oppositions to the political donations/activities of the LSTA, particularly as it related to the use of monies from classified civil servants for said activities.

7.

In 2016, Petitioner also witnessed the presence of a “private” bar, including the sale of alcohol at the Louisiana State Police Training Center workplace/site on State property. Said facility was not licensed as a liquor operator and utilized state facilities and funds for the purposes of the private sale of alcohol, in violation of Louisiana law. Petitioner reported his finding to his fellow Commission members and to several members of the Louisiana State Police, including its Superintendent and high-ranking LSP officials.

8.

Following his opposition to the unlawful acts and/or practices, Petitioner was subjected to retaliation.

9.

In January, 2016, immediately prior to the Commission’s January, 2016, meeting, Petitioner received a telephone call from then special counsel to the Commission who advised that he needs to resign from the Commission and, if you do not resign, defendant LSTA will release information damaging to you and your family. At the Commission’s January, 2016, meeting,

Petitioner publicly questioned defendant LSTA's counsel, Mr. Floyd Falcon, and its Executive Director, Mr. Young, about the supposed "letter" and its location.

10.

On December 4, 2015, Petitioner's daughter was pulled over by LSP Trooper Jayson Linebaugh and charged with DWI 1st offense, speeding, improper lane usage, and an open container violation. The following morning, defendant Oliphant telephoned Petitioner about his daughter's arrest – of which Petitioner was already aware. Defendant Oliphant would later claim that he called Petitioner "as a courtesy", but such phone calls by LSP officers, especially of the Rank of Captain like Oliphant, rarely, if ever occur. By the time of defendant Oliphant's telephone call, Petitioner's daughter had already accepted responsibility for her actions and hired a lawyer. Petitioner's daughter was an adult.

11.

Thereafter, defendant Oliphant contacted Petitioner and they had at least three (3) more conversations. During the conversations, defendant Oliphant broached the subject with Petitioner about if he, defendant Oliphant, should discipline or take action against the arresting officer.

12.

No further contact occurred between Petitioner and defendant Oliphant and the matter was closed in December, 2015. Petitioner's daughter was prosecuted and, as with the overwhelming majority of 1st offense DWI charges, she participated fully in the pretrial diversion program offered to her and others similarly situated. In other words, Petitioner's daughter accepted responsibility, was treated identically to others similarly situated, and performed all community service and tasks requested of her by the District Attorney's Office.

13.

However, on June 2, 2016, nearly six (6) months after the arrest of Petitioner's daughter, defendant Oliphant inexplicably authored an "Incident Report" accusing Petitioner of committing the crimes of public intimidation, threatening an officer, and interfering with an investigation, all as set forth in his June 2, 2016, document.

14.

Upon information and belief and therefore Petitioner alleges, defendant Oliphant prepared the June 2, 2016, document at the request of and in conjunction with defendant LSTA to publicly humiliate Petitioner and his family, to punish, and to retaliate against Petitioner for his opposition to the unlawful activities set forth above.

15.

Defendants Oliphant and LSTA then caused the June 2, 2016, document to be published to the media, Governor Edwards, the State Police Commission and its members and employees, and several prominent public officials. This publication was effectuated through an LSTA letter dated July 11, 2016, a copy of which is attached hereto and made part hereof.

16.

In the July 11, 2016, publication, defendants LSTA and Oliphant not only falsely accused Petitioner of committing crimes, but specifically sought criminal prosecution of Petitioner and removal from office.

17.

The contents of the June 2, 2016, report and July 11, 2016, letter are false.

18.

Thereafter, Petitioner remained on the Commission and continued his participation in the investigation into the unlawful activities set forth herein. In other words, Petitioner refused to resign even considering pressure exerted upon him by the defendants to do so.

19.

In June, 2017, the Commission was set to release its report concluding that the LSTA and troopers had unlawfully made political contributions.

20.

In advance of the upcoming Commission meeting, defendant LSTA issued another letter dated June 19, 2017, again accusing Petitioner of several crimes, seeking prosecution of Petitioner, and public hearing against Petitioner regarding the false charges. Included with the June 19, 2017,

letter, a complete copy of which is attached hereto, was the original July 11, 2016, letter, and June 2, 2016, letter.

21.

Petitioner contends the June 19, 2017, letter is false, defamatory, and/or constitutes defamation per se for which defendant LSTA and Oliphant are liable. Petitioner further submits that the July 11, 2016, letter and June 2, 2016, letter constituted republication of false, defamatory statements against Petitioner for which defendants LSTA and Oliphant are liable.

22.

Petitioner further shows that the statements by defendants LSTA and Oliphant were made with malice, actual and implied, and, further, as the statements were defamatory per se, any requirement of demonstrating malice is dispensed with.

23.

On February 2, 2018, Petitioner caused to be sent the attached public records request to defendant Oliphant and the Louisiana State Police. Petitioner contends that a copy of his February 2, 2018, public records request was also provided to defendant LSTA.

24.

Thereafter, defendant Oliphant caused to be published on his Facebook page, the attached posting. In it, defendant Oliphant falsely accuses Petitioner of committing various crimes: "I refused to succumb to personal attacks, purely due to an ethical decision I made in Dec. 2015" [referring directly to his false accusations that Petitioner threatened and/or intimidated him], "this local business man has allegedly hired private investigators or 'someone' to follow me and watch my every move", "I have observed a suspicious vehicle(s) near my residence, which have been confirmed to have a direct connection with this local and wealthy businessman", "this one has me concerned simply due to safety reasons" falsely asserting and/or implying that Petitioner would cause him physical harm, "this is a clear and obvious attempt to continue to intimidate and retaliate against me for not giving him what he wanted, in that, I adamantly refused to reassign and/or relocate the officer who arrested his daughter", "due to the decision I made in Dec. 2015, not only am I still paying for it, but the arresting officer is as well."

25.

The statements contained in defendant Oliphant's post are false, defamatory and/or defamatory per se. Petitioner contends that the statements by defendant Oliphant were made with malice, actual and implied, and, further, as the statements were defamatory per se, any requirement of demonstrating malice is dispensed with.

26.

Petitioner shows that the defamatory statements set forth herein were published by defendants, and republished by defendants throughout the State of Louisiana, including in Natchitoches Parish.

26a.

During the deposition of defendant Oliphant on June 26, 2019, Petitioner learned, for the first time, that defendant Oliphant authored a publication dated March 2, 2018, in which defendant Oliphant falsely accused Petitioner of murder. Defendant Oliphant published said document and his false accusation that Petitioner had committed a homicide decades earlier in Shreveport, Louisiana, to defendant State Police, through Superintendent Reeves and Major Noel, among many others. In addition, defendant Oliphant and defendant State Police caused the contents of the March 2, 2018, document and the false accusation that Petitioner committed a homicide to individuals in Shreveport, Louisiana, the former husband of the deceased, and others. Defendants Oliphant and State Police have continued to repeat and publish the false allegations that Petitioner committed a homicide since the June 26, 2019, deposition of Oliphant. Petitioner shows these statements are false, defamatory, defamatory per se, were published with actual malice, and have been republished throughout the State of Louisiana by defendant Oliphant and State Police, for which they are liable and for which Petitioner sues for herein.

27.

As a result of the situation sued upon herein, Petitioner sustained **compensatory** damages **consisting of** loss of his reputation and standing in the community, having to incur attorney's fees and expenses to fight the false allegations by the defendants, including defendants' publication/republishing of the false information to state organizations causing Petitioner to have

to hire attorneys to combat the false statements, severe and extreme emotional distress and mental anguish, humiliation, embarrassment, loss of earning capacity, **loss of income, all** as will be more fully shown at trial of this matter and all for which Petitioner sues for herein.

28.

Petitioner is entitled to and desires an award of all such other relief to which he is entitled at law or in equity.

29.

Petitioner is entitled to and desires trial by jury of this matter.

WHEREFORE, Petitioner, Calvin W. Braxton, Sr., prays for trial by jury and after due proceedings are had that there be Judgment herein in his favor and against defendants, Louisiana State Troopers Association and Jay Oliphant, **State of Louisiana, Department of Public Safety and Corrections, Office of State Police**, jointly and in solido as allowed by law, for all sums as are reasonable under the premises, legal interest thereon from the date of demand until paid, and all such other relief to which Petitioner is entitled at law or in equity.

Respectfully submitted,

By: _____
Jill L. Craft, #20922
W. Brett Conrad, Jr., #37639
Attorney at Law, LLC
330 Government Street
Baton Rouge, Louisiana 70802
Telephone: (225) 663-2612
Facsimile: (225) 663-2613

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing upon counsel of record for all parties hereto via First Class United States mail, properly addressed with sufficient postage affixed thereto on this 19~~th~~ day of February, 2020.

Baton Rouge, Louisiana, this 19~~th~~ day of February, 2020.

Jill L. Craft

10TH JUDICIAL DISTRICT COURT
PARISH OF NATCHITOCHE
STATE OF LOUISIANA

NUMBER: C-90,284

CALVIN W. BRAXTON, SR.

VERSUS

LOUISIANA STATE TROOPERS ASSOCIATION AND
JAY OLIPHANT

POSTED
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RECEIVED AND FILED
DAVID STAMEY, CLERK
CLERK OF COURT
2020 FEB 21 P 1:07
BY: *David Stamey* DY CLERK
NATCHITOCHE PARISH, LA

MOTION TO FILE SECOND SUPPLEMENTAL AND AMENDING PETITION

NOW INTO COURT through undersigned counsel comes Petitioner, Calvin W. Braxton, Sr. who moves this Honorable Court for an Order permitting him to supplement and amend his Petition, for the Second time, for the following reasons, to-wit

1.

On June 26, 2019, Petitioner, through his counsel, took the deposition of Defendant Oliphant. For the first time in that deposition, Defendant Oliphant revealed that he authored another publication on March 2, 2018, in which he falsely accused Petitioner of committing a homicide decades before. Defendant Oliphant further testified that he published the document and his false allegations through State Police, to the deceased's former husband, officers with the Shreveport Police Department, and others. Defendant Oliphant and ensuing witnesses testified that the false accusation of murder against Petitioner was published by defendant State Police as well. Petitioner is informed and believes that both defendants Oliphant and State Police continue to publish the false allegation that Petitioner committed a homicide since the June 26, 2019, deposition throughout Louisiana.

2.

Based upon the information discovered, Petitioner is entitled to and desires to supplement and amend his Petition to add, as a party defendant, State of Louisiana, Department of Public Safety and Corrections, Office of State Police, and to add his claims arising from the publication and continued publication by defendants Oliphant and State Police that Petitioner committed a homicide. Petitioner shows that the parties attempted to resolve their claims following the depositions and, having been unable to so do, Petitioner seeks leave to ensure his claims are before the Court.

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DAVID STAMEY, CLERK
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FILED:

Feb. 19, 2020, 1:07 P. M.

NON-CERTIFIED COPY

No party will be prejudiced by the grant of leave herein and, in fact, the proposed Second Supplemental and Amending Petition will amend Petitioner's claims to confirm to the evidence adduced.

WHEREFORE, Petitioner, Calvin W. Braxton, Sr., prays after due proceedings are had that an Order issue herein permitting him to file his Second Supplemental and Amending Petition.

Respectfully submitted,

By: _____
Jill L. Craft, #20922
W/ Brett Conrad, Jr., #37639
Attorney at Law, LLC
330 Government Street
Baton Rouge, Louisiana 70802
Telephone: (225) 663-2612
Facsimile: (225) 663-2613

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing upon counsel of record for all parties hereto via First Class United States mail, properly addressed with sufficient postage affixed thereto on this 19th day of February, 2020.

Baton Rouge, Louisiana, this 19th day of February, 2020.

Jill L. Craft

10TH JUDICIAL DISTRICT COURT
PARISH OF NATCHITOCHEs
STATE OF LOUISIANA

NUMBER: C-90,284

CALVIN W. BRAXTON, SR.

VERSUS

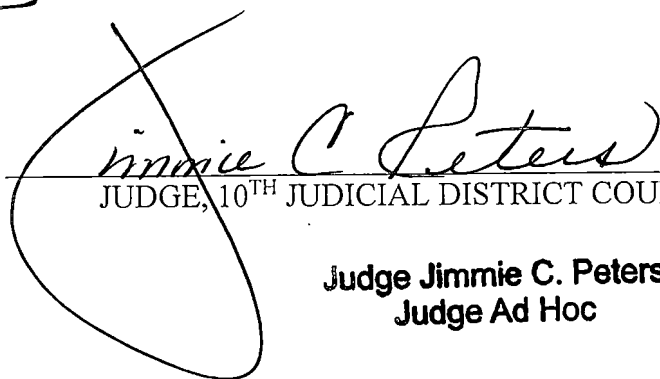
LOUISIANA STATE TROOPERS ASSOCIATION AND
JAY OLIPHANT

ORDER

Upon consideration of the record of these proceedings, the above and foregoing Motion, and the law,

IT IS ORDERED that Petitioner, Calvin W. Braxton, Sr., be and is hereby permitted to file his Second Supplemental and Amending Petition.

Jena; Louisiana, this 5th day of February,
2020.



JUDGE, 10TH JUDICIAL DISTRICT COURT

Judge Jimmie C. Peters
Judge Ad Hoc

POSTED
JH

JILL L. CRAFT
ATTORNEY AT LAW, LLC

JILL CRAFT
W. BRETT CONRAD, JR.

330 GOVERNMENT STREET
BATON ROUGE, LA 70802
PHONE: (225) 663-2612
FACSIMILE: (225)663-2613

March 3, 2020

Via Fax Only: 1-318-357-2284

Clerk of Court
10th Judicial District Court
Natchitoches Parish
P.O. Box 476
Natchitoches, LA 71458-0476

RE: Calvin Braxton vs. Louisiana State Troopers Association and Jay Oliphant
Docket Number: C-90284, Division: "A"

Dear Sirs/Madams,

Please issue service on Plaintiff's Motion to File Second Supplement and Amending Petition and Second Supplemental and Amending Petition to Defendant, State of Louisiana, through Department of Public Safety and Corrections, Office of State Police, through its Secretary James LeBlanc at the following address:

State of Louisiana, through Department of Public Safety and Corrections
Office of State Police
through its Secretary James LeBlanc
504 Mayflower Street
Baton Rouge, LA 70802

Need check EBR SO

It is my understanding that there are sufficient funds in this account for this request. If that is not the case, please contact my office immediately and same will be forthcoming.

If you have any questions, please do not hesitate to contact me. Thank you for your courtesies.

Very truly yours,

Jill L. Craft

JLC/awj

JILL L. CRAFT
ATTORNEY AT LAW, I.L.C.

JILL CRAFT
W. BRETT CONRAD, JR.

330 GOVERNMENT STREET
BATON ROUGE, LA 70802
PHONE: (225) 663-2612
FACSIMILE: (225)663-2613

FAX TRANSMISSION

2 pages including cover sheet

TO: Clerk of Court/Civil Division
ATTN: Katrina Johnson

DATE: March 3, 2020

FAX: 1-318-357-2284

FROM: Jill L. Craft

RE: *Calvin Braxton vs. Louisiana State Troopers Association and
Jay Oliphant; Docket No.: C-90284-A*

COMMENTS:

RECEIVED AND FILED
DAVID STAMLEY
CLERK OF COURT
2020 MAR - 3 10:57 AM
BY CLERK
NATCHITOCHEE PARISH, LA

NOTICE OF CONFIDENTIALITY

This information contained in this facsimile transmission is attorney privileged communication intended for the use of the individual who is named above. You are hereby instructed that if you are not the intended recipient or an employee or agent responsible for delivery to the intended recipient, you are prohibited from destroying, distributing, or copying this information. If you have received this communication in error or are not sure whether it is privileged information, please notify this office immediately by telephone and return the original transmission to the above by the United States mail, at our expense. Thank you.

CITATION

CALVIN W. BRAXTON SR.

Tenth Judicial District Court

VS

Parish of Natchitoches

LOUISIANA STATE TROOPERS
ASSOCIATION, ET AL

State of Louisiana

DOCKET NUMBER: C-90284 A

TO: DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, OFFICE OF STATE POLICE
THROUGH SECRETARY JAMES LEBLANC
504 MAYFLOWER STREET
BATON ROUGE, LA 70802

YOU HAVE BEEN SUED.

Attached to this Citation is a certified copy of the Petition. The petition tells you what you are being sued for.

You must EITHER do what the petition asks, OR, within FIFTEEN (15) days after you have received these documents, you must file an answer or other legal pleadings in the Office of the Clerk of this Court at the Natchitoches Parish Courthouse, in the City of Natchitoches in said Parish.

If you do not do what the petition asks, or if you do not file an answer or legal pleading within FIFTEEN (15) days, judgment may be entered against you without further notice.

Witness the Honorable Judges of our said Court on this MARCH 3, 2020.

DAVID STAMEY, Clerk of Court

BY: *Kateena Johnson*
Deputy Clerk
Natchitoches Parish

ATTORNEY:

JILL L. CRAFT

ATTACHMENTS:

COPY OF PETITION/ MOTION TO FILE SECOND AMENDING PETITION

NOTICE

Access to the Natchitoches Parish Courthouse is available to those persons with disabilities who require a ground level entrance through the St. Denis Street entrance. To request special accommodation call the Clerk of Court at (318) 352-8152 or the office of the Chief Judge at (318) 357-2210. The following facilities are available to persons with disabilities:

- *Ground level access at St. Denis Street entrance to courthouse
- *Handicapped accessible elevator to all floors
- *Wheelchair accessible doors to courtrooms