

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

4 *****

5 BILLY BROUSSARD,
6 VERSUS DOCKET NO. 092077
7 GIROUARD, MENDY, ET AL.

9 *****

10 The above-captioned case came up for
11 hearing at the St. Martin Parish Courthouse,
12 St. Martinville, Louisiana, before the
13 Honorable Judge Vincent J. Borne, Judge of
14 the above-styled court, on February 15, 2023.

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16
17 APPEARANCES:

18 REPRESENTING THE PLAINTIFF:

19 PRO SE

20 REPRESENTING THE DEFENDANT:

21 ERIC T. HAIK
22 ALI LEBLANC

23
24 * HON. VINCENT J. BORNE, JUDGE PRESIDING *
25

26 REPORTED BY: MONA LANDRY, CCR
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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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