

BILLY BROUSSARD

NUMBER \_\_\_\_\_ DOCKET:  
16<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

PARISH OF ST MARTIN

DWAYNE FATHERREE,  
WICK COMMUNICATIONS COMPANY

STATE OF LOUISIANA

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**PETITION FOR DAMAGES FOR LIBEL**

NOW UNTO COURT comes Petitioner, Billy Broussard, in proper person, who files this Petition for Damages for Libel, and who, with respect to same, does hereby allege, espouse, attest, and state as follows, to wit:

1.

That he is a person of the full age of majority and resides in the Parish of St. Martin, State of Louisiana.

2.

Made Defendants herein is Dwayne Fatherree, writer for *The Daily Iberian*, a publication based in New Iberia, Louisiana, in the Parish of Iberia, State of Louisiana operating under a Trade Name registered in Louisiana to Defendant also named herein as Defendant Wick Communications Company, a foreign, family-owned community media company headquartered in Sierra Vista, Arizona, in the County of Cochise, State of Arizona.

3.

On Tuesday, August 3, 2021, Defendant Fatheree attended a meeting of the St. Martin Parish Council to cover the consideration of an Ordinance prohibiting the dumping and burning of vegetative materials which had been hauled into the Parish.

4.

Defendant Fatheree published an article in *The Daily Iberian* the following day, Wednesday, August 4, 2021. A copy of Defendant’s article is attached hereto and made a part hereof as Exhibit P-1.

5.

Despite the repeated statements in the meeting that Petitioner was “not burning,” Defendant Fatherree placed in the article referenced in Paragraph 4 that Petitioner was in fact burning on four (4) separate occasions.

6.

The first instance of Defendant's false and libelous reporting that Petitioner was burning transpired in the fourth paragraph of the article, to wit:

*“Broussard had bought a property in November that he was using to dump and burn material from his business.”*

Defendant Fatherree also reported inaccurately when Petitioner bought the property. It was purchased in September (which Defendant Fatherree later stated correctly subsequently in the same article), not November, and had Defendant paid attention to the details articulated by Parish President Chester Cedars, whom Defendant praised for providing such extensive detail, Defendant would not have reported the wrong month of purchase of the property on the one occasion in the article which he did.

7.

The second instance of Defendant Fatherree falsely reporting that Petitioner was burning transpired in the very next paragraph of the article, Paragraph 5, to wit:

*“Later, when parish officials learned that not only was Broussard burning his own leavings but was also accepting dumps of material from other contractors, the parish began working on an ordinance to prevent the practice overall.”*

Not only is it false that Petitioner was burning on his property, but it was also false that Petitioner, “was also accepting dumps of material from other contractors,” and Petitioner made that point crystal clear (just as has been subsequently testified to under oath) at the same meeting attended by and reported upon by Defendant Fatherree that the only other individual permitted to place vegetative materials on Petitioner's property was Judge Anthony Thibodeaux. Judge Thibodeaux testified under oath on May 2, 2022 that he hauled in vegetative materials to Petitioner's property but had never paid “a dime” to Petitioner to do so; furthermore, Judge Thibodeaux testified that it created a “hardship” for him when he lost the ability to haul such material to Petitioner's site and that he hoped his ability to do so was restored before long. Petitioner clearly stated at the meeting reported upon by Defendant Fatherree that the only person permitted to haul vegetative materials onto Petitioner's property was “a judge in this Parish.” Again, had Defendant Fatherree paid even the slightest attention to detail, such false and libelous reporting on his part would not have transpired.

8.

The obvious bias of Defendant Fatherree's article, which, upon information and belief, was nothing short of a hit piece done to appease, and upon information and belief, was drafted in coordination with, St. Martin Parish President Chester Cedars, was made abundantly apparent a mere two paragraphs later in the article, Paragraph 7, to wit:

*"Broussard went well over his five-minute time limit in presenting his defense. When he finished, Parish President Chester Cedars launched into a searing, excruciatingly detailed dismembering of Broussard's arguments, including a timeline, in many cases down to the minute, of the interactions between Broussard and the parish."*

9.

While Defendant Fatherree went to such lengths to describe Parish President Chester Cedars' "searing, excruciatingly detailed dismembering of Broussard's arguments," he apparently failed to take note that, of the four properties Cedars discussed at the meeting, Cedars stated, **"three of which entailed burning."**

10.

While Cedars' presentation made it clear two of the other properties being referenced entailed burning, it apparently never dawned upon Defendant Fatherree to inquire of Cedars (or Petitioner, for that matter) if Petitioner's property was one of the other two which "entailed burning" or whether his property just might be the one Cedars left the audience to conclude was obviously not burning. Had Defendant Fatherree made such an inquiry of Petitioner, Petitioner would have told Defendant Fatherree that no burning had transpired on Petitioner's property. Furthermore, even Parish President Cedars would have indicated to Defendant Fatherree that he had no reason to believe that Petitioner was burning on his property, which is precisely why President Cedars said, "three (of the four) entailed burning." Common sense should have dictated to Defendant Fatherree that one of the four must not entail burning, and it was incumbent upon him to find out if that one property was Petitioner's property (which it was), and he failed to do so.

11.

Despite Petitioner going to his vehicle and obtaining a business card to hand to Defendant Fatherree, which he did, in order that Defendant Fatherree could contact him, "if you have any questions" prior to publishing an article, Defendant Fatherree failed to

even initiate the simple act of contacting Petitioner and seek any clarification on whether he engaged in burning activities, to which Petitioner would have immediately informed Defendant Fatherree that he was not.

12.

The next instance of Defendant Fatherree falsely publishing that Petitioner had been burning entailed an outright misstatement of what Parish President Cedars said in the meeting. Defendant's blatantly false and libelous statement is contained in Paragraph 9 of the article, to wit:

*“Cedars said complaints began arriving after Broussard bought the property in September. He began bringing tree trunks and vegetation to the lot, first to dump, then to burn.”*

13.

Not only did Parish President Chester Cedars **not** state that Petitioner was burning at the meeting covered by Defendant Fatherree, but on May 2, 2022, President Cedars correctly stated under oath that he had “never” stated that Petitioner was burning. Petitioner again states that Defendant Fatherree's goal, as evidenced by the replication of his paragraph referenced in Paragraph 12 of this Petition, was to paint Petitioner in the worst possible light in his feature, and he simply divested himself of any obligation whatsoever to report the truth about Petitioner's activities on his family farm. In short, he was hell bent and determined to portray Petitioner as actively engaging in burning activity irrespective of the fact that portrayal was completely and utterly false; furthermore, Defendant Fatherree should have known that fact had he paid the slightest attention to the detail that he so eloquently admits that President Cedars provided at the meeting.

14.

The fourth and final false and libelous instance of Defendant Fatherree reporting that Petitioner was burning occurred in Paragraph 16 of Defendant Fatherree's article when he printed an outright blatant misquote of Petitioner's Councilman, Brook Champagne, to wit:

*“You are violating the zoning ordinance,” Champagne said. “You are hauling and dumping or burning in a residential area. You have been doing it for a year.”#*

15.

As clearly reflected in a videotape of the entire discussion of the Ordinance, what Champagne said was that Petitioner could seek a variance, “since you are **not** going to burn.” Petitioner asserts that is the absolute epitome of irresponsible, biased, and slanted “journalism” for Defendant Fatherree to blatantly misquote Champagne to reference, “or burning” in the quote above when that is **not** what Champagne said! As clearly reflected by the video, Champagne plainly said that Petitioner was “not” going to “burn.” The repeated falsehoods printed by Defendant Fatherree entailing false claims that Petitioner was burning is nothing short of journalistic malpractice, and it is that malpractice that forms the core basis of this litigation.

16.

Defendant’s libelous reporting inflicted incalculable harm to Petitioner.

17.

Friends and associates approached Petitioner having stated that they’d read the article, to which they were drawn by Petitioner’s picture on prominent display.

18.

Petitioner had to inform each of those individuals as they contacted Petitioner about the article that the claims that Defendant Fatherree made in the article that Petitioner was burning were all blatantly false.

19.

When Petitioner contacted Defendant Fatherree’s editor, Michael Messerly, in an attempt to get Defendant’s employer to correct the libelous material referenced in this Petitioner, Messerly stated to Petitioner, “It just looks like ‘he said, she said’ to me.”

20.

In contrast to Messerly’s assertion that it was a case of “he said, she said,” the only individual even claiming that Petitioner was burning is Defendant Fatherree. Hence, it is actually a case of “he said, he said,” and the only one doing the “saying” is Defendant Fatherree, and his statements made four times in one article are all blatantly false and libelous.

21.

When Petitioner stressed that a video of the entirety of the discussion of the Ordinance, which had been published by blogger Robert Burns of *Sound Off Louisiana*, could be readily provided to Messerly that would readily demonstrate that Defendant Fatherree had falsely reported what was stated in the meeting (including Petitioner stressing on several occasions that he, “has not burned on the property,”) Messerly responded, “I don’t have time to watch a video!”

22.

Beyond the bad image Defendant Fatherree managed to falsely portray regarding Petitioner and the numerous false and libelous claims made that Petitioner was burning entailing impressions made upon the community at large, Defendant Fatherree, through his false and libelous reporting, also managed to sway the President of the Council, Chris Tauzin, into believing Petitioner simply had to be burning notwithstanding the contents of the meeting and on the video of the meeting.

23.

On September 4, 2021, Petitioner sent a text to Keith Baudin, a former candidate for the Louisiana House of Representatives in the District in which Petitioner resides, about the whole episode.

24.

Upon seeing the text Petitioner sent to Buadin, Baudin telephoned St. Martin Parish Council Chairman Chris Tauzin and inquired, “What the heck is going on with Billy Broussard?”

25.

Baudin informed Petitioner that Tauzin responded, “We told Broussard to stop burning. He did not stop burning, so we sued him.”

26.

St. Martin Parish Chairman Tauzin’s statement to Baudin on or about September 4, 2021 demonstrates the fact that a Restraining Order was filed against Petitioner based upon the false portrayal that Defendant Fatherree published in *The Daily Iberian* on Wednesday, August 4, 2021.

27.

On August 19, 2021, only 15 days after Defendant Fatherree published the libelous article in *The Daily Iberian* upon which St. Martin Parish President Chris Tauzin admits served as the basis for justifying the filing of a Restraining Order against Petitioner because of the false and repeated claims that Petitioner was “burning,” St. Martin Parish Government did in fact file a Temporary Restraining Order against Petitioner which was served upon Petitioner days later.

28.

As a result of the Restraining Order and the associated legal fees entailing defending same, Petitioner has suffered considerable financial harm along with severe damage to his reputation and good name as a result of the widespread dissemination of the article authored by Defendant Fatherree and its repeated false claims that Petitioner was “burning,” and the outsized influence that St. Martin Parish Government’s Council Chairman, Chris Tauzin, had (by his admission to Baudin on or around September 4, 2021) in initiating litigation against Petitioner.

29.

Petitioner never observed Defendant Fatherree attending a St. Martin Parish Council meeting prior to August 3, 2021, nor has he observed Defendant Fatherree attending a Council meeting after August 3, 2021.

30.

Given Defendant Fatherree’s lack of attendance at Council meetings (and any reporting thereof), Petitioner asserts that, upon information and belief, he attended that one meeting with the sole purpose of publishing a hit-piece, damning article defaming Petitioner, and that is exactly what he did.

31.

Defendant Wick Communications Company is liable unto Petitioner under the doctrine of Respondeat Superior.

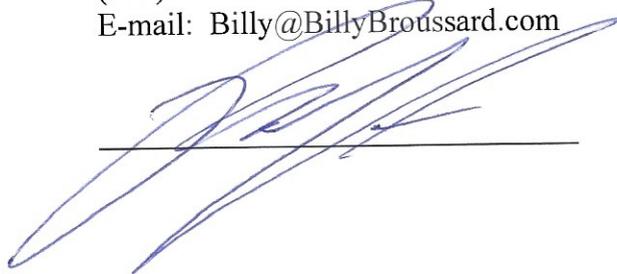
32.

Petitioner is entitled to and does in fact seek a trial by jury since the amount in controversy exceeds \$10,000.

WHEREFORE, petitioner, BILLY BROUSSARD, prays that Defendants, DEWAYNE FATHERREE and WILKS COMMUNICATIONS COMPANY be duly served with a copy of this petition, and cited to appear and answer same and, after all legal delays and due proceedings had, there be a judgment herein in favor of petitioner, BILLY BROUSSARD, and against defendants, DEWAYNE FATHERREE and WILK COMMUNICATIONS awarding him all damages for the prosecution of this action, including costs associated with the action and for any and all other relief, legal or equitable, which may be available under the premise of this cause.

Respectfully Submitted,

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



**PLEASE SERVE:**

**DWAYNE FATHERREE  
124 E MAIN STREET  
NEW IBERIA, LOUISIANA 70560**

**WILK COMMUNICATIONS COMPANY, Through Louisiana's Long-Arm Statute  
Through It's Designated Agent for Service of Process**

**CORPORATION SERVICE COMPANY  
8825 N 23<sup>RD</sup> AVENUE, SUITE 100, PHOENIX, ARIZONA 85021**

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## St. Martin council passes ordinance restricting dumping, burning

DWAYNE FATHERREE [dwayne.fatherree@daily-iberian.com](mailto:dwayne.fatherree@daily-iberian.com)

Aug 4, 2021



Local businessman Billy Broussard, who operates a tree trimming service, argued that a new amendment to the St. Martin P ordinance would make it impossible for him to do business at his current location – even though the site in question is zone commercial.

Dwayne Fatherree / The Daily Iberian

ST. MARTINVILLE – The St. Martin Parish Council voted to adopt an ordinance restricting the dumping and burning of tree stumps and yard waste that had been transported into the parish, but not without some pushback.

Billy Broussard, who operates a tree service, said that he was not sure the intent of the ordinance was clear enough to prevent future councils from enforcing it more harshly.

“What was the intent?” Broussard asked rhetorically. “What were they trying to accomplish? If I want to bring my trimmings to a place in St. Martin Parish, where do I bring it to?”

Broussard had bought a property in November that he was using to dump and burn material from his business. Neighbors complained, which brought parish regulators into the picture. Because the property is zoned for multifamily residential use, commercial activity like disposing of trash and waste from Broussard’s tree trimming business was not allowed.

Later, when parish officials learned that not only was Broussard burning his own leavings but was also accepting dumps of material from other contractors, the parish began working on an ordinance to prevent the practice overall.

Broussard insisted that he had improved property values in the area when he cleaned up the property. He also denied any commercial use of the property, saying he never accepted any money for dumping or burning at the site.

Broussard went well over his five-minute time limit in presenting his defense. When he finished, Parish President Chester Cedars launched into a searing, excruciatingly detailed dismembering of Broussard’s arguments, including a timeline, in many cases down to the minute, of the interactions between Broussard and the parish.

“First off, the issues with Mr. Broussard’s property is twofold,” Cedars began. “One is if this ordinance is passed. Two is that he is using it as part of his business endeavors. It’s zoned multifamily residential. He’s been told that. He was told that last year.”

Cedars said complaints began arriving after Broussard bought the property in September. He began bringing tree trunks and vegetation to the lot, first to dump, then to burn.

“Complaints were made, and they were investigated,” Cedars said. “There is an email in that file to Mr. Broussard which states the parish government has received complaints. Parish government spoke to you by telephone and informed you that your property is zoned mixed residential. That zoning classification does not allow burning or dumping at any time without rezoning.”

Cedars went through many other incidents, detailing the conflicting and changing stories Broussard had offered for his use of the property, including his intent to create a mushroom farm and that the activity on the site was part of some research. At the end, he repeated that, even without the new ordinance, Broussard could not legally continue with the activity on his lot without seeking and securing a rezoning.

“You have to go through the process,” Cedars said. “To pause in the process, you have no rule. To pause in the process, you play politics.”

When Cedars finished, Broussard began to remunerate his complaints when Council Chairman Chris Tauzin stopped him.

“We are not here to talk about issues at your property,” Tauzin said. “We are here to consider an ordinance that affects the whole parish.”

Broussard tried to continue, but District 6 Councilman Brook Champagne interceded.

“You are violating the zoning ordinance,” Champagne said. “You are hauling and dumping or burning in a residential area. You have been doing it for a year.”

“I wish I could talk to you, but I can’t,” Broussard told Champagne. “My attorney told me not to.”

The council eventually passed the new ordinance in a 7-0 vote, with District 4 Councilman David Poirier abstaining and District 7 Councilman Byron Fuselier absent.

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*Dwayne Fatherree is the community editor for The Daily Iberian. He can be reached at [dwayne.fatherree@daily-iberian.com](mailto:dwayne.fatherree@daily-iberian.com).*