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July 26, 2023
VIA FACSIMILE: (225) 389-3392
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The Honorable Doug Welborn
Clerk of Court
East Baton Rouge Parish
300 North Blvd., Ste. 3301
Baton Rouge, LA 70801

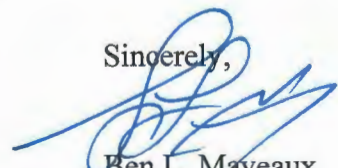
RE: Carl Cavalier v. Louisiana State Police Commission
19th Judicial District Court; East Baton Rouge Parish, Louisiana
Docket No. C-732938 Sec. 24
Our File No. 22507

Dear Sir/Madam:

Enclosed is an Emergency Motion for Protective Order, and for Expedited Consideration, Memorandum in Support, and Rule to Show Cause which we are fax filing on behalf of Colonel Lamar Davis, and counsel, Ben Mayeaux and Jennie Pellegrin in the above matter. The original, one copy, and our firm check to cover the associated filing fees will follow via regular U.S. Mail.

Please file the original into the court record, submit to the appropriate Judge for consideration, have the pleadings served on counsel as indicated therein, and return a copy of the documents stamped with the date and time of filing along with the signed Rule to Show Cause to our office in the enclosed self-addressed and stamped envelope.

Sincerely,



Ben L. Mayeaux
Jennie P. Pellegrin

BLM/ch
Enclosures

cc: The Honorable Donald Johnson (via electronic transmission w/encls)
Ms. M. Lenore Feeney (via electronic transmission w/encls)
Mr. Carl Cavalier (via electronic transmission & Regular U.S. Mail w/encls)

CARL CAVALIER

NUMBER C-732938/SECTION: 24

V.

19TH JUDICIAL DISTRICT COURT

LOUISIANA STATE POLICE
COMMISSION

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

**MOTION FOR PROTECTIVE ORDER
AND FOR EXPEDITED CONSIDERATION**

Colonel Lamar Davis, and counsel, Ben Mayeaux and Jennie Pellegrin (collectively, “Respondents”) move, pursuant to La.Code Civ.P. art. 1426, for a protective order quashing the subpoenas served on Respondents seeking the production of certain documents and compelling attendance at the hearing of this matter on August 7, 2023. As more specifically addressed in the accompanying Memorandum in Support, the subpoenas are procedurally and substantively defective and should be quashed.

Pursuant to District Court Rule 9.8, Respondents state that this matter is set for trial August 7, 2023 and testimony may be offered at the hearing of this Motion for Protective Order.

Wherefore, Respondents pray that this Motion be set for expedited consideration and that after due proceedings, the subpoenas issued to Respondents be quashed.

Respectfully submitted,

JEFF LANDRY
Attorney General

BY:



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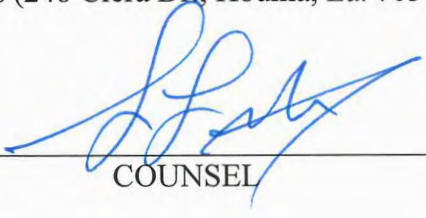
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*Special Assistants Attorneys General and Counsel
for the Louisiana Department of Public Safety &
Corrections (Office of State Police) and Colonel
Lamar Davis*

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2023, a copy of above and foregoing was served on all known counsel record by electronic transmission, and forwarded: (1) electronically to *pro se* Plaintiff, Carl Cavalier, at KarlCavalier@yahoo.com, and (2) by mail to *pro se* Plaintiff, Carl Cavalier, at his last known address (248 Ciera Dr., Houma, La. 70364).



COUNSEL

CARL CAVALIER

NUMBER C-732938/SECTION: 24

V.

19TH JUDICIAL DISTRICT COURT

LOUISIANA STATE POLICE
COMMISSION

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

**MEMORANDUM IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER
AND FOR EXPEDITED CONSIDERATION**

Colonel Lamar Davis, counsel Ben Mayeaux and Jennie Pellegrin (collectively, “Respondents”), submit this memorandum in support of the Motion for Protective Order and for Expedited Consideration.

Pursuant to District Court Rule 10.1, the undersigned conferred by telephone with counsel for the State Police Commission regarding this dispute on July 20, 2023.

I. Background

A. The Federal Litigation

Col. Lamar Davis serves as the Superintendent of the Louisiana State Police. Col. Davis was sued in the lawsuit captioned “Carl Cavalier v. State of Louisiana Department of Public Safety & Corrections, *et al*” No. 3:21-CV-00656, pending in the United States District Court for the Middle District of Louisiana (the “Federal Lawsuit”). Jennie Pellegrin and Ben Mayeaux were appointed as Special Assistants Attorney General to represent and defend Col. Davis and the State Police in that action.

In the Federal Lawsuit, Cavalier, a former State Police Trooper, complains he was wrongfully placed on forced administrative leave, wrongfully suspended for 200 hours for allegedly violating State Police Secondary Employment and Conduct Unbecoming Policy, and later wrongfully terminated for the same Policy violations.¹ These disciplinary actions are the subject of the three administrative appeals filed by Cavalier and pending before the Louisiana State Police Commission (the “Commission”).²

In the Federal Lawsuit the parties were ordered to attend a settlement conference before the Magistrate Judge. That Order provided: “[t]he contents of the **statements and all communications made in connection with the settlement conference are confidential and**

¹ Ex. “A” – Cavalier’s Second Supplemental, Amending and Restated Complaint, paras. 8, 14, 16.
² Appeals Nos. 21-256-D, 21-257-S, and 21-261-T.

will not be disclosed to anyone without the express permission of the communicating party or order of a court of competent jurisdiction.”³ On October 6, 2022, the parties participated in a settlement conference before the Magistrate Judge and reached a settlement of all claims asserted by Cavalier in the Federal Lawsuit.⁴ On October 7, 2022, the Court entered an Order of Dismissal.⁵

On November 30, 2022, citing dissatisfaction with the terms of the settlement, Cavalier moved to reopen the Federal Lawsuit and rescind the settlement agreement.⁶ In response, the State Police moved to enforce the settlement agreement and prayed that “Cavalier be ordered to comply with the terms of the settlement, execute the Release Agreement, and any other documents necessary to dismiss the EEOC Charge and the administrative appeals pending before the Louisiana State Police Commission.”⁷ In connection with the Motion to Enforce Settlement Agreement, and in compliance with the Settlement Conference Order confidentiality provision, the State Police also submitted a motion to file Exhibits “A” and “C” to the Motion under seal,⁸ which Motion was granted.⁹ Exhibit “A” is an e-mail exchange between Cavalier and State Police counsel which occurred immediately following the conclusion of the Settlement Conference. These e-mails describe and confirm the specific terms of the settlement as recited during the Conference. Exhibit “C” is a subsequent transmittal e-mail and attached Release Agreement memorializing the terms of the settlement reached during the Conference.

On February 24, 2023, the Magistrate Judge issued a Report and Recommendation granting the Motion to Enforce Settlement Agreement and ordering the parties to comply with the terms of the agreement.¹⁰ Cavalier objected to the Report and Recommendation. On May 22, 2023 the District Judge adopted the Magistrate’s recommendation and issued a Ruling and Order granting the Motion to Enforce Settlement Agreement and ordering the parties to comply with the settlement terms.¹¹

Cavalier moved for rehearing of the Ruling and Order which motion remains pending.¹²

B. The Mandamus Proceeding

³ Ex. “B” – Settlement Conference Order, p. 3.

⁴ Ex. “C” – Order of Settlement.

⁵ Ex. “D” – Order of Dismissal.

⁶ Ex. “E” – Cavalier’s Motion to Reopen the Cause and Rescind the Proposed Settlement.

⁷ Ex. “F” – Memorandum in Support of Motion to Enforce Settlement Agreement, p. 9.

⁸ Ex. “G” – State Police Motion for Leave to File Exhibits Under Seal.

⁹ Ex. “H” – Order Sealing Exhibits “A” and “C” to the Motion to Enforce Settlement Agreement.

¹⁰ Ex. “I” – Magistrate Judge Report and Recommendation.

¹¹ Ex. “J” – Ruling and Order.

¹² Ex. “K” – Cavalier’s Motion for Rehearing.

Although the May 22, 2023 Federal Ruling and Order remains in effect, on June 6, 2023 Cavalier filed a Petition for Writ of Mandamus seeking this Court to order the Commission to move forward with hearing Cavalier's administrative appeals of the disciplinary actions taken against him by the State Police. In connection with that matter, the Commission issued subpoenas to Col. Davis and his counsel, Pellegrin and Mayeaux, to appear for hearing on August 7, 2023 to testify and issued a subpoena duces tecum to Pellegrin to produce:

Records Requested:

1. Copies of all emails between Jennie Pellegrin and Jill Craft that contain memorializations of the terms of the settlement agreement between Carl Cavalier and the Department of Public Safety & Corrections (Office of State Police), following the settlement conference before Magistrate Judge Richard Bourgeois, Jr. on October 6, 2022, in connection with the lawsuit entitled, "Carl Cavalier versus State of Louisiana; Dept of Public Safety & Corrections: Public Safety Services; Office of State Police," bearing Docket No. 21-656, in the United States District Court for the Middle District of Louisiana.
2. Copy of the document that was the formal release agreement prepared in connection with the settlement of the lawsuit entitled, "Carl Cavalier versus State of Louisiana: Dept of Public Safety & Corrections: Public Safety Services; Office of State Police," bearing Docket No. 21-656, in the United States District Court for the Middle District of Louisiana, and that was the document referenced in the Motion to Enforce Settlement Agreement filed in that same proceeding.¹³

In other words, the subpoena duces tecum seeks production of Exhibits "A" and "C" – those documents filed under seal in the Federal Lawsuit.

II. LSA-R.S. 13:3667

Col. Davis was appointed by the Governor as the Department Head and Superintendent of the Louisiana State Police. His counsel, Pellegrin and Mayeaux, are appointed Special Assistants Attorney General and appear as surrogates for Attorney General Jeff Landry, a statewide elected official. Consequently, the Commission is required to comply with LSA-R.S. 13:3667(A)(1) before issuing a subpoena to compel Respondents' attendance at trial. This statute provides:

A party litigant in a civil case or in a criminal misdemeanor case seeking to compel the attendance of a statewide elected official, or the head of any department of the state of Louisiana appointed to the position by the governor, as a witness in a suit that arises out of, or in connection with, the person's exercise of his duties as an official of the state, shall file a written motion with the proper court requesting a hearing on the matter. The motion shall set forth the facts sought to be proved by the person's testimony, the

¹³ Ex. "L" – Subpoenas issued to Col. Davis, Mayeaux and Pellegrin.

relevance of those facts to the case, and the basis for the mover's belief that such person has knowledge of those facts.

The Commission failed to move for the requisite pre-subpoena hearing. Therefore, the subpoenas compelling production of records and attendance at the August 7, 2023 trial are unlawful and should be quashed.

III. La. C. Evid. art. 508

With respect to the subpoenas issued to counsel, Pellegrin and Mayeaux, the Commission failed to comply with the strict requirements of La.C. Evid. art. 508. This Article prohibits the issuance of subpoenas to attorneys to testify in a civil case absent a pre-issuance contradictory hearing.¹⁴ And, the Article specifically applies to attorneys acting as assistants attorney general (La.C. Evid. Art. 508(E)). The Commission did not request a hearing and, on this procedural ground alone, the subpoenas for counsel's testimony should be quashed.

La.C. Evid. art. 508 further requires that the Commission prove the following substantive factors: (1) the testimony sought is not privileged; (2) the information sought is essential to Commission's cause; (3) the purpose is not to harass or embarrass counsel; (4) the subpoena is reasonably limited in time and subject matter and states areas of inquiry with particularity; and (5) there is no other practicable means of obtaining the information.

Assuming a contradictory hearing were held, the Commission's subpoenas fail to establish the necessary substantive elements to compel counsel's testimony. Specifically, the subpoenas fail to state parameters of the testimony sought and do not indicate the purpose or extent of the Commission's examination. In fact, the subpoenas are completely silent as to the areas of the Commission's inquiry. Therefore, it is impossible to determine whether any privileged information will be at issue, whether the information sought is essential to the Commission's cause, or whether other practicable means of obtaining the information are

¹⁴ La.C. Evid. art. 508 provides:

A. General rule. Neither a subpoena nor a court order shall be issued to a lawyer or his representative to appear or testify in any civil or juvenile proceeding, including pretrial discovery, or in an administrative investigation or hearing, where the purpose of the subpoena or order is to ask the lawyer or his representative to reveal information about a client or former client obtained in the course of representing the client unless, after a contradictory hearing, it has been determined that the information sought is not protected from disclosure by any applicable privilege or work product rule; and all of the following:

- (1) The information sought is essential to the successful completion of an ongoing investigation, is essential to the case of the party seeking the information, and is not merely peripheral, cumulative, or speculative.
- (2) The purpose of seeking the information is not to harass the attorney or his client.
- (3) With respect to a subpoena, the subpoena lists the information sought with particularity, is reasonably limited as to subject matter and period of time, and gives timely notice.
- (4) There is no practicable alternative means of obtaining the information.

available. The Commission's subpoenas to counsel are substantively defective and should be quashed.

IV. Respondents Must Comply with the Federal Court Order

Col. Davis and his counsel, Pellegrin and Mayeaux, were ordered by the federal judge to hold as confidential "statements and all communications made in connection with the settlement conference." The documents sought through the subpoena duces tecum (Exhibits "A" and "C" to the Motion to Enforce Settlement) were specifically intended to record and memorialize statements and communications made during the settlement conference – those statements being the agreed terms of the settlement – and are therefore directly covered under the confidentiality order and should not be ordered disclosed. And, because the Federal Lawsuit remains pending, Exhibits "A" and "C" are not "public records."¹⁵ Additionally, to the extent Respondents are asked to testify regarding statements or communications made during the settlement conference, that too would place Respondents in jeopardy of violation of the federal court order. Consequently, any testimony (should Respondents be ordered to appear) should be limited to topics outside of matters discussed during the settlement conference.

V. The Action is Premature

Finally, this Mandamus action is premature and should be stayed. At present, all of Cavalier's claims asserted in the Federal Lawsuit have been dismissed.¹⁶ Should Cavalier's Motion for Rehearing be denied and the Ruling and Order of dismissal become final, this Mandamus proceeding would be rendered moot. Consequently, this Mandamus action (and the subpoenas issued to Respondents) should be stayed pending a final resolution of the Federal Lawsuit.

¹⁵ See, LSA-R.S. 44:4: The Public records act shall not apply:

(15) To any pending claims or pending claim files in the custody or control of the office of risk management, division of administration, or similar records in the custody of any municipality or parish; to any information concerning pending legal claims in the files of any attorney representing the state or any municipality in connection with the office of risk management, division of administration . . .

¹⁶ Ex. "J" – Ruling and Order granting Motion to Enforce Settlement Agreement.

VI. Conclusion

For the reasons set forth above, the Commission's subpoenas to Col. Davis, and counsel, Pellegrin and Mayeaux, should be quashed.

Respectfully submitted,

JEFF LANDRY
Attorney General

BY:



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Special Assistants Attorneys General and Counsel

for the Louisiana Department of Public Safety &

Corrections (Office of State Police) and Colonel

Lamar Davis

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2023, a copy of above and foregoing was served on all known counsel record by electronic transmission, and forwarded: (1) electronically to *pro se* Plaintiff, Carl Cavalier, at KarlCavalier@yahoo.com, and (2) by mail to *pro se* Plaintiff, Carl Cavalier, at his last known address (248 Ciera Dr., Houma, La. 70364).



COUNSEL

CARL CAVALIER

NUMBER C-732938/SECTION: 24

V.

19TH JUDICIAL DISTRICT COURT

LOUISIANA STATE POLICE
COMMISSION

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

RULE TO SHOW CAUSE

CONSIDERING THE FOREGOING:

IT IS ORDERED that this matter is set for expedited consideration and counsel for the Louisiana State Police Commission show cause on the ____ day of _____, 2023 at _____ o'clock __.m. why the Motion for Protective Order filed on behalf of Colonel Lamar Davis, and counsel, Ben Mayeaux and Jennie Pellegrin, should not be sustained.

JUDGE

PLEASE SERVE:

Louisiana State Police Commission
through counsel of record
M. Lenore Feeney
TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P.
450 Laurel Street, Suite 800
Baton Rouge, LA 70801

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CARL CAVALIER

CIVIL ACTION NO: 3:21-cv-00656

VERSUS

JUDGE: JOHN W. deGRAVELLES

STATE OF LOUISIANA:
DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONS: PUBLIC SAFETY
SERVICES; OFFICE OF STATE POLICE;

MAGISTRATE JUDGE: RICHARD L.
BOURGEOIS, JR.

SECOND SUPPLEMENTAL, AMENDING, AND RESTATED COMPLAINT

The Complaint of Carl Cavalier, a resident of the full age of majority of East Baton Rouge Parish, Louisiana, respectfully represents, **as supplemented, amended, and restated**, in bold print:

1.

Venue is proper within this judicial district as the majority of the acts alleged herein occurred within this judicial district. Jurisdiction is founded herein pursuant to 28 U.S.C. §1331, Federal Question, and 28 U.S.C. §1367, affording supplemental jurisdiction over Complainant’s claim arising under Louisiana law.

2.

The defendants enumerated below are justly and truly indebted unto Complainant for all sums as are reasonable under the premises, attorney fees, punitive damages as to defendant Davis, all costs of these proceedings, litigation expenses, legal interest thereon from the date of demand until paid, and all such other relief to which Complainant is entitled at law or in equity:

- 1. State of Louisiana, through the Department of Public Safety and Corrections, Office of State Police, a state agency domiciled in East Baton Rouge Parish, Louisiana; and**



2. Colonel Lamar A. Davis, individually and in his official capacity as Superintendent of the Office of State Police, a resident of the full age of majority who, upon information and belief, is domiciled in East Baton Rouge Parish, Louisiana.

3.

At all times pertinent hereto, Complainant was an “employee” of defendant DPSC within the meaning and intent of federal and Louisiana law. At all times pertinent hereto, defendant DPSC was Complainant’s “employer” within the meaning and intent of federal and Louisiana law and employed greater than one hundred (100) employees, including Complainant.

3a.

At all times pertinent hereto, defendant Davis was an agent and employee of defendant DPSC and was Complainant’s supervisor with immediate and successfully higher authority over his employment.

4.

Complainant began his employment with DPSC on November 30, 2014, as a Trooper for LSP.

5.

Throughout Complainant’s employment with defendant DPSC, he repeatedly protested, opposed, reported, and complained about actual violation of law committed by defendant DPSC. Beginning in 2020 and continuing thereafter through present, Complainant reported to defendants and third parties, including Louisiana State Legislature Representative(s) and the Governor, race-based discrimination, harassment, and retaliation

against black LSP employee(s) consisting of numerous occasions on which black officers were disciplined far more harshly and even terminated as compared to white officers under virtually identical circumstances, excessive force, assault, battery, false imprisonment, and violations of Constitutional Rights by LSP employee(s) against a civilian(s), including Ronald Greene which resulted in Mr. Greene's death, and malfeasance in office and/or abuse of office by LSP employee(s) and supervisors resulting from attempts to and an actual cover up of the events leading to and causing the death of Mr. Greene. Complainant also reported defendants' actual violations of law to the news media, including on June 28, 2021, to WBRZ, on July 22, 2021 to WBOK, on July 25, 2021, to the NAACP, on July 28, 2021, to Instagram Live, and on August 18, 2021, to WWL.

6.

In response to Complainant's protected activity, defendants threatened Complainant and his job. On February 5, 2021, Complainant met with defendants, through defendant Davis, regarding Complainant's protected activity and defendants' violations of law, including ongoing racial discrimination at LSP and for which Complainant gave specific examples of instances in which black LSP officers was discriminated against because of their race. Although defendant Davis advised he would investigate the actual violations of law, he did not do so. Instead, defendant Davis threatened Complainant and dissuaded him from pursuing his complaints any further by directing him to read "Chop Wood Carry Water: How to Fall in Love with the Process of Becoming Great", a book about discipline and following orders. Also, in 2021, Complainant's supervisor, Lieutenant Draper Crain, texted Complainant threatening that Complainant needed to "stay away" from LSP, that he "brought that sht upon" himself, referencing defendants' retaliation/reprisal, and that he**

should have “kept his mouth shut”. Lieutenant Draper Crain then **threatened Complainant** that LSP personnel **was directed by defendants** to avoid any and all communication with **Complainant**.

7.

As a result of Complainant’s protected activities, defendants took retaliation/reprisal against him, including but not limited to, retaliatory harassment, threatening his job, placing him on forced annual leave although Complainant was fit for duty and able to work, falsely accusing him of violating policy, stripping his significant and material job duties, transferring him to an undesirable position and department, reducing his ability to earn overtime pay, restricting his ability to accrue annual leave, suspending him for two hundred (200) hours, and ultimately, firing him for false reason(s).

8.

On or about June 7, 2021, Complainant was placed on forced annual leave by defendants for **seventy-two (72) days**. While on forced leave, Complainant was deprived of **accruing eighty (80) hours of annual leave at an hourly rate of \$28.39, totaling two thousand, two hundred and seventy-one dollars and twenty cents (\$2,271.20)**. Defendants did not give Complainant **any legal** reason for the forced annual leave **and, in violation of State Police Commission Rule 11.9, was not “in the best interest” of LSP**. Complainant was also required to surrender all LSP issued equipment, including but not limited to, firearms, vehicle, uniforms, commission cards, undercover materials, badges, building access cards, and keys to LSP properties. Complainant endured the humiliation of being escorted out of the building and off LSP Headquarters premises.

9.

On or about June 9, 2021, **Complainant** met with Byron Sam, EEO Coordinator. Following this meeting, **Complainant** was instructed to go to a meeting in Human Resources. At this meeting, **Complainant** was advised that he qualified for an ADA accommodation for any stress related issues arising in the course and scope of his employment. On June 23, 2021, **defendants**, through Lieutenant Colonel Kenny Van Buren, advised **Complainant** to consider taking FMLA. **In other words, Complainant contends defendants actively attempted to force him from his job by pressuring him to take FMLA and/or seek an ADA accommodation of not having to work, which Complainant refused but he was nonetheless ordered off on forced leave.**

10.

On or about June 11, 2021, **after meeting with Mr. Sam and immediately prior to his June 23, 2021, meeting set forth above, Complainant** received a phone call from **defendants**, through Sergeant Dave Floss, regarding a secondary employment application. **In that conversation, Floss questioned Complainant about a book he had written, the contents of which were highly critical of defendant DPSC. Defendant, through Floss, then accused Petitioner of violating ‘policy’ by writing the book and, particularly, the content of the book. Although Floss requested a copy of the book from Complainant, defendants were already in possession of same.**

11.

On or about June 28, 2021, **Complainant** returned to active duty **from his retaliatory forced leave. Defendants** immediately advised **Complainant** that he was now on (“FMLA”) and sent back to his residence indefinitely.

12.

On or about July 20, 2021, **Complainant** was interviewed by **defendants, through LSP Internal Affairs**, regarding a complaint he filed against a **DPSC attorney in which Complainant alleged the DPSC attorney had attempted to hide and/or otherwise conceal public records from view and also seemingly instructed LSP personnel to inaccurately represent information specifically relating to the death of Mr. Greene**. At the conclusion of the interview, Lieutenant Colonel Van Buren **threatened** Complainant by giving him a hard copy of LSP Procedure Order 901 Code of Ethics, Subsection 42 – “Public Statements” regarding media contact, specifically regarding a television interview **Complainant participated in and publicly spoke about defendants’ actual violations of law and matters of public concern** with WBRZ Investigative Reporter Chris Nakamoto on June 28, 2021. **Complainant did not violate this policy.**

13.

Upon Complainant’s return to active duty at LSP on or about August 2, 2021, he was involuntarily transferred by **defendants** from **the Narcotics Department** to the **Gaming Division, an undesirable reassignment**. **Not only did defendants remove Complainant from performing his significant and material job duties as a detective in the Narcotics Department for which he was highly trained and which was objectively considered as a more prestigious position, but Complainant was transferred to the Gaming Division in which he had no training or experience with gaming or casino regulations and had significantly less opportunity to advance and also to earn overtime pay**. Additionally, he was also given correspondence advising him that he was now on administrative leave pending investigation and again sent to his residence indefinitely.

14.

On August 27, 2021, **Complainant** received a letter **from defendants** informing him that he **was** suspended without pay for forty (40) hours for violation of the LSP Policy on “Secondary Employment” and one hundred and sixty (160) hours for violation of the LSP Policy on “Conduct Unbecoming an Officer”, totaling **two hundred** 200 hours and **resulting** in a loss of income in the amount of five thousand, six hundred and seventy-eight dollars (\$5,678.00). **Defendants accused Complainant of allegedly violating “Secondary Employment” because Complainant wrote and published a book, on his own time, critical of defendants, including identifying systemic racism and use of excessive force. Defendants suspended Complainant for “Secondary Employment” alleged violations without affording him prior notice of the suspension, a description of the reasons and/or evidence supporting the suspension, a reasonable opportunity to respond, or the mandatory notice requirements as set forth by State Police Commission Rules 12.7 and 12.8, and the Peace Officer Bill of Rights. Complainant contends defendants’ failure to suspend him in accordance with State Police Commission Rules was further retaliation/reprisal for his protected activities. Most recently, defendants notified Complainant’s counsel that an additional termination letter based falsely on a “Secondary Employment” violation is forthcoming.**

15.

On or about September 28, 2021, **Complainant suffered personal, tangible effects as** was denied a loan for the purchase of a home. The lender denied the loan specifically because **defendants reduced Complainant’s income through multiple tangible employment action(s) and discipline(s).**

16.

On November 23, 2021, Complainant received a document from defendants, dated November 18, 2021, stating that defendants, through defendant Davis, “ordered” the “termination” of Complainant. Defendants admitted in the November 18, 2021, document that they were firing Complainant because Complainant exercised his Constitutional Right(s) by speaking publicly about defendants’ violations of law and matters of public concern on June 9, 2021, June 22, 2021, July 25, 2021, July 28, 2021, and August 26, 2021. Complainant did not violate policy as he was falsely accused of doing by defendants. Defendants also fired Complainant in violation of State Police Commission Rules 12.7 and 12.8 and the Peace Officer Bill of Rights by failing to afford Complainant prior notice of the termination, a description of the reasons and/or evidence supporting the suspension, a reasonable opportunity to respond, and the mandatory notice requirements.

17.

Complainant shows that defendant DPSC failed to have in full force and effect an effective policy regarding retaliation and reprisal in the workplace. Defendant DPSC failed and/or refused to take any action to remedy the situation in Complainant’s work environment, failed and/or refused to take any action to prevent the retaliation/reprisal from occurring, and deliberately failed to address Complainant’s complaints.

18.

As a result of the situation sued upon herein, **Complainant** sustained damages which include but are not limited to, severe and extreme emotional distress, mental anguish, humiliation and embarrassment, past and future medical expenses, loss of earning capacity, loss of promotional opportunities, **past and future lost wages and benefits**, and all such other damages as will be more fully shown at trial of this matter and all for which **Complainant** specifically sues for herein.

19.

At all times pertinent hereto, defendant Davis was as person acting under color of authority within the meaning and intent of 42 U.S.C. §1983, as Complainant's "Appointing Authority" and as Superintendent of LSP. Complainant shows at all times pertinent hereto, he enjoyed the clearly established rights to write his book, to speak, and to express as contained in his book, to speak to the press and express his opinions, to protest and oppose unlawful race-based discrimination, harassment, and retaliation in the workplace, racism, assault, battery, false imprisonment, and excessive force pursuant to the 1st Amendment to the United States Constitution. Complainant shows that he was subjected to retaliation/reprisal for exercising his 1st Amendment Rights. Complainant shows that defendant Davis violated his clearly established rights as set forth herein and is liable unto him pursuant to 42 U.S.C. §1983, for which he sues for herein.

20.

Complainant contends that the actions/inactions of defendant DPSC which Complainant protested, spoke about, reported, and opposed as set forth herein, violated state and federal law, including discriminating, harassing, and/or retaliating against employee(s) because of his/her race in violation of La. R.S. 23:301, *et seq.*, and Title VII, committing assault, battery, false imprisonment, and excessive force against civilian(s) in violation of La. R.S. 14:35, La. R.S. 14:36, La. R.S. 14:46, La. Civ.C. Article 2315, and La. C.Cr.P. Article 220, violating the Constitutional Rights under the 1st and 14th Amendments to the United States Constitutions of civilian(s), and violations of La. R.S. 14:134 and La. R.S. 14:134.3. Defendant DPSC's reprisal against Complainant, including retaliatory harassment, threats to his job, forcing him out on leave although Complainant was fit for duty and able to work,

falsely accusing him of violating policy, stripping his significant and material job duties, transferring him to an undesirable position and department, reducing his ability to earn overtime pay, restricting his ability to accrue annual leave, suspending him for two hundred (200) hours, and firing him for false reason(s), were in violation of La. R.S. 23:967, for which Complainant sues defendant DPSC for herein.

21.

Complainant filed Charge(s) of Discrimination with the EEOC and LCHR alleging Title VII retaliation, but has not yet received his Notice of Right to Sue. Complainant reserves his right to supplement and amend his Complaint and add his claim(s) under federal law upon receipt of his Notice of Right to Sue.

22.

Complainant contends defendant Davis is liable unto him for attorney fees pursuant to 42 U.S.C. §1988. Complainant also contends defendant DPSC is liable unto him for attorney fees pursuant to La. R.S. 23:967.

23.

Complainant contends the actions and/or inactions of defendant Davis were deliberate and in reckless disregard for his clearly established rights and therefor, defendant Davis is liable unto Complainant for punitive damages under 42 U.S.C. §1983.

24.

Complainant seeks and is entitled to all such other relief afforded to him at law or in equity, including an award of litigation expenses and all costs of these proceedings.

25.

Complainant is entitled to and desires trial by jury.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

CARL CAVALIER

CIVIL ACTION

VERSUS

NO. 21-656-JWD-RLB

**THE LOUISIANA DEPARTMENT OF
PUBLIC SAFETY & CORRECTIONS, ET AL.**

SETTLEMENT CONFERENCE ORDER

IT IS ORDERED that a settlement conference is hereby set for **October 6, 2022 at 1:30 p.m.** by video.

Participant instructions will be sent by separate e-mail from the Courtroom Deputy.

The settlement conference will begin with a statement by Judge Bourgeois.¹

The following is provided to ensure that the necessary parties are present for the conference, to assist the Court in an objective appraisal and evaluation of the lawsuit, and to facilitate settlement of this matter in the most efficient manner.

A. PERSONS ATTENDING THE CONFERENCE

In addition to counsel who will try the case, a person with full settlement authority must be present for each party at the conference. This requires the presence of your client or, if a corporate entity, an authorized representative of your client, who has full and final settlement authority. The purpose of this requirement is to have representatives present who can settle the case during the course of the conference without consulting a superior. Upon proper application to the Court and under extenuating circumstances, a governmental entity, insurance company or corporate entity may be granted permission to proceed with a representative with limited authority, provided he/she has direct communication with a representative with full authority

¹ Judge Bourgeois does not generally permit opening statements by the parties during the joint session.



throughout the conference, even if the settlement conference lasts through lunch or after working hours. Any other persons deemed necessary to negotiate a settlement may also attend. Counsel of record will be responsible for timely advising any involved non-party (i.e., insurance company), of the requirements of this order.

B. CONFIDENTIAL STATEMENTS

The parties shall submit confidential settlement position papers by **noon on October 4, 2022** to the judge's chambers either via facsimile transmission to (225) 389-3603 or hand delivery. The statement shall not exceed five pages and shall contain the following:

- (a) Persons Attending: The name and title, if applicable, of the client or authorized representative who will be attending the conference with trial counsel.
- (b) Statement of your Case: The position paper should set forth a brief statement of your claim or defense. It should also contain a statement of the liability issues present, including a description of the strongest and weakest points of your case, both legal and factual.
- (c) Quantum: A brief statement of your position on quantum, including any injuries sustained. When applicable, describe any surgeries, current medical status, and any other relevant legal or factual issues.

A concluding section should contain suggestions for a satisfactory resolution of the claim. Please do not be bound by monetary solutions, but rather consider all possible alternatives to reaching a satisfactory resolution. Also, please keep in mind that these submissions are confidential, will not be exchanged, are not binding, and that posturing is inappropriate and only serves to handicap the process. The Magistrate Judge serves as a neutral

facilitator in this process; thus it serves no purpose for either party to attempt to convince the Magistrate Judge of his position.

C. ATTACHMENTS

Additional documents may be attached to the confidential settlement position paper if they exist and counsel deems them relevant and of benefit to the Court in evaluating the case.

D. CONFIDENTIALITY

The contents of the statements and all communications made in connection with the settlement conference are confidential and will not be disclosed to anyone without the express permission of the communicating party or order of a court of competent jurisdiction. The statements and any other documents submitted for the settlement conference will be maintained in chambers and will be destroyed after the conference.

Failure to timely comply with all requirements of this Order may result in cancellation of the settlement conference and/or sanctions at the Court's discretion.

Signed in Baton Rouge, Louisiana, on September 30, 2022.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

CARL CAVALIER

CIVIL ACTION

VERSUS

NO. 21-656-JWD-RLB

**THE LOUISIANA DEPARTMENT OF
PUBLIC SAFETY & CORRECTIONS, ET AL.**

ORDER

A settlement conference was held on October 6, 2022. After a period of negotiations, the parties were able to reach a settlement, subject to certain necessary non-party approval. The court will enter a 60-day dismissal order in this matter.

Signed in Baton Rouge, Louisiana, on October 6, 2022.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE



Ben Mayeaux

From: enoticing@lamd.uscourts.gov
Sent: Friday, October 7, 2022 10:37 AM
To: Courtmail@lamd.uscourts.gov
Subject: Activity in Case 3:21-cv-00656-JWD-RLB Cavalier v. The Louisiana Department of Public Safety & Corrections (Office of State Police) 60 Day Order of Dismissal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Middle District of Louisiana

Notice of Electronic Filing

The following transaction was entered on 10/7/2022 at 10:37 AM CDT and filed on 10/7/2022

Case Name: Cavalier v. The Louisiana Department of Public Safety & Corrections (Office of State Police)

Case Number: 3:21-cv-00656-JWD-RLB

Filer:

WARNING: CASE CLOSED on 10/07/2022

Document Number: 41(No document attached)

Docket Text:

ORDER OF DISMISSAL: This action is hereby DISMISSED without prejudice to the right, upon good cause shown within sixty (60) days, to reopen the action if the settlement is not consummated. Signed by Judge John W. deGravelles on 10/07/2022. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.)(KDC)

3:21-cv-00656-JWD-RLB Notice has been electronically mailed to:

Ben Louis Mayeaux bmayeaux@neunerpate.com, tmobley@neunerpate.com

Jennie Porche Pellegrin jpellegrin@neunerpate.com, cverret@neunerpate.com, ddugas@neunerpate.com

Jill L Craft jcraft@craftlaw.net, bconrad@craftlaw.net, dtaylor@craftlaw.net

Kaitlin Aubrey Wall kwall@erlingsonbanks.com



William Brett Conrad , Jr bconrad@craftlaw.net, dtaylor@craftlaw.net

3:21-cv-00656-JWD-RLB Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CARL CAVALIER * CIVIL ACTION
*
VERSUS * DOCKET NO. 21-656
*
STATE OF LOUISIANA: DEPT. OF * JUDGE JOHN W. DEGRAVELLES
PUBLIC SAFETY & CORRECTIONS: *
PUBLIC SAFETY SERVICES; OFFICE * MAGISTRATE RICHARD L. BOURGEOIS, JR.
OF STATE POLICE *

EX PARTE MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL

Defendants, Louisiana Department of Public Safety & Corrections (Office of State Police) (“LSP”) and LSP Superintendent, Colonel Lamar Davis (“Col. Davis”), request permission to file under seal certain exhibits to their *Motion to Enforce Settlement Agreement*. Those exhibits are communications which memorialize the terms of the settlement agreement reached between the parties, and this Court’s Settlement Conference Order requires confidentiality of any communications related to the settlement conference. Accordingly, Defendants asks this Court to seal Exhibits A and C to the *Motion to Enforce Settlement*, which are attached hereto.

Respectfully Submitted,
JEFF LANDRY
Attorney General

BY: /s/ Ben L. Mayeaux
JENNIE P. PELLEGRIN – LA. BAR ROLL No. 25207
jpellegrin@neunerpate.com
BEN L. MAYEAUX – LA. BAR ROLL No. 19042
bmayeaux@neunerpate.com
NEUNERPATE
One Petroleum Center, Suite 200
1001 West Pinhook Road (zip 70503)
Post Office Box 52828
Lafayette, LA 70505-2828
TELEPHONE: (337) 237-7000 FAX: (337) 233-9450



*Special Assistants Attorneys General and Counsel
for the Louisiana Department of Public Safety &
Corrections (Office of State Police) and Colonel
Lamar Davis*

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2022, a copy of this *Ex Parte Motion For Leave To File Exhibits Under Seal* was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be forwarded to all counsel by operation of the Court's electronic filing system.

/s/ Ben L. Mayeaux

EXHIBIT A
(to be filed under seal sought)

EXHIBIT C
(to be filed under seal sought)

Ben Mayeaux

From: enoticing@lamd.uscourts.gov
Sent: Thursday, December 8, 2022 9:19 AM
To: Courtmail@lamd.uscourts.gov
Subject: Activity in Case 3:21-cv-00656-JWD-RLB Cavalier v. The Louisiana Department of Public Safety & Corrections (Office of State Police) Order on Sealed Motion for Leave to File A Document

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Middle District of Louisiana

Notice of Electronic Filing

The following transaction was entered on 12/8/2022 at 9:18 AM CST and filed on 12/8/2022

Case Name: Cavalier v. The Louisiana Department of Public Safety & Corrections (Office of State Police)

Case Number: 3:21-cv-00656-JWD-RLB

Filer:

WARNING: CASE CLOSED on 10/07/2022

Document Number: 58(No document attached)

Docket Text:

ORDER granting [57] SEALED Motion for Leave to File Under Seal. Consistent with this Courts Settlement Conference Order (R. Doc. 39), the Clerks Office shall file into the record the attached Exhibits A and C to the Motion to Enforce Settlement Agreement (R. Doc. 56) under seal. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 12/8/2022. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (Bourgeois, Richard)

3:21-cv-00656-JWD-RLB Notice has been electronically mailed to:

Ben Louis Mayeaux bmayeaux@neunerpate.com, tmobley@neunerpate.com

Clifton J. Ivey, Jr cliff@cilawfirm.com



James C. Carver jim@thecarverlawfirm.com, rebecca@thecarverlawfirm.com

Jennie Porche Pellegrin jpellegrin@neunerpate.com, cverret@neunerpate.com, ddugas@neunerpate.com

Kaitlin Aubrey Wall kwall@erlingsonbanks.com, notices@erlingsonbanks.com

3:21-cv-00656-JWD-RLB Notice has been delivered by other means to:

DOUG WELBORN, CLERK OF COURT
19th Judicial District Court
Parish of East Baton Rouge
300 North Boulevard
Baton Rouge, LA 70801
Phone (225)389-3960

NO. C-732938 24

JULY 18, 2023

TO: LAFAYETTE PARISH SHERIFFS OFFICE
PO BOX 3508
LAFAYETTE, LA 70502

Please find attached (1) **CIVIL SUBPOENA** to be served in your parish for the above numbered suit.

Kindly make your return(s) on the duplicate(s) enclosed, and

(X) SEND US YOUR BILL FOR SERVICE

Thank You,



Alice Monact

Deputy Clerk of Court for
Doug Welborn, Clerk of Court

Requesting Attorney: **FEENEY, M LENORE**
(225) 387-3221

REPLY: _____

DATE: _____

By: _____

Deputy Sheriff, Parish of _____





CIVIL SUBPOENA

NUMBER C-732938 24

CARL CAVALIER
(Plaintiff)

19th JUDICIAL DISTRICT COURT

VS

PARISH OF EAST BATON ROUGE

LOUISIANA STATE POLICE COMMISSION
(Defendant)

STATE OF LOUISIANA

TO: BEN L. MAYEAUX
NEUNERPATE
ONE PETROLEUM CENTER
1001 WEST PINHOOK ROAD, SUITE 200
LAFAYETTE, LA 70503

You must come to Court at 300 North Boulevard, Baton Rouge, Louisiana, on AUGUST 7, 2023 at 10:00 A.M., Courtroom No. 8B Judge HON DONALD R. JOHNSON.

You must remain in Court until discharged by the Judge. You must testify to the truth, to the best of your knowledge, in this case, under DIRECT/CROSS examination. (Ordered by FEENEY, M LENORE, Attorney.)

IF YOU DO NOT APPEAR, YOU WILL BE VIOLATING THE LAW AND MAY BE SUBJECT TO PENALTIES.

Ordered by the Court on JULY 18, 2023, Baton Rouge, Louisiana.



Alice Monaco

Deputy Clerk of Court for
Doug Welborn, Clerk of Court

SERVICE INFORMATION:

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____, served on the above named party as follows:

PERSONAL SERVICE: On the party herein named at _____.

DOMICILIARY SERVICE: On the within named _____, by leaving the same at his domicile in this parish in the hands of _____, a person of suitable age and discretion residing in the said domicile at _____.

DUE AND DILIGENT: After diligent search and inquiry, was unable to find the within named _____ or his domicile, or anyone legally authorized to represent him.

RETURNED: Parish of East Baton Rouge, this _____ day of _____, 20____.

SERVICE: \$ _____
MILEAGE \$ _____
TOTAL: \$ _____

Deputy Sheriff



M. LENORE FEENEY
Of Counsel
(225) 381-0255 TELEPHONE
(225) 215-8712 DIRECT FAX
(225) 346-8049 FACSIMILE
lenore.feeney@taylorporter.com

July 18, 2023

Hon. Doug Welborn
Clerk of Court-19th JDC/Parish of East Baton Rouge
300 North Boulevard
Baton Rouge, LA 70801

Re: **Carl Cavalier v. La. State Police Commission**
Suit No.: C-732938, Division 24; 19th JDC; Parish of East Baton Rouge; State of Louisiana

Dear Sir:

Please issue a trial subpoena to the below listed individual to appear at the one-day hearing of the referenced matter to testify on behalf of defendant, the Louisiana State Police Commission, beginning at 10:00 a.m. on August 7, 2023, Div. 24, Room 8B, the Honorable Donald R. Johnson presiding:

Ben L. Mayeaux
NeunerPate
One Petroleum Center
1001 West Pinhook Road, Ste. 200
Lafayette, LA 70503

NAME	ATTENDANCE AT HEARING	MILEAGE	TOTAL
Ben L. Mayeaux	\$50/day	\$74.28	\$124.28

Our firm check for the mileage and witness fees for the witness will be mailed to the witness today.

In the meantime, should you have any questions, please do not hesitate to contact me.
Sincerely,

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

M. Lenore Feeney
M. Lenore Feeney

MLF:mh

5196674.v1
TAYLOR, PORTER, BROOKS & PHILLIPS L.L.P.
www.taylorporter.com

BATON ROUGE	LAKE CHARLES
450 Laurel Street, Suite 800 Baton Rouge, Louisiana 70801	Post Office Box 2471 Baton Rouge, LA 70821 225.387.3221 PHONE 225.346.8049 FAX



Certified True and Correct Copy
CertID: 2023071801465

Alice Monast

East Baton Rouge Parish
Deputy Clerk Of Court

Generated Date:
7/18/2023 4:08 PM



CIVIL SUBPOENA

NUMBER C-732938 24

CARL CAVALIER
(Plaintiff)

19th JUDICIAL DISTRICT COURT

VS

PARISH OF EAST BATON ROUGE

LOUISIANA STATE POLICE COMMISSION
(Defendant)

STATE OF LOUISIANA

TO: BEN L. MAYEAUX
NEUNERPATE
ONE PETROLEUM CENTER
1001 WEST PINHOOK ROAD, SUITE 200
LAFAYETTE, LA 70503

You must come to Court at 300 North Boulevard, Baton Rouge, Louisiana, on **AUGUST 7, 2023** at 10:00 A.M., Courtroom No. **8B** Judge **HON DONALD R. JOHNSON**.

You must remain in Court until discharged by the Judge. You must testify to the truth, to the best of your knowledge, in this case, under **DIRECT/CROSS** examination. (Ordered by **FEENEY, M LENORE**, Attorney.)

IF YOU DO NOT APPEAR, YOU WILL BE VIOLATING THE LAW AND MAY BE SUBJECT TO PENALTIES.

Ordered by the Court on **JULY 18, 2023**, Baton Rouge, Louisiana.



Alice Monaco

Deputy Clerk of Court for
Doug Welborn, Clerk of Court

SERVICE INFORMATION:

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____, served on the above named party as follows:

PERSONAL SERVICE: On the party herein named at _____.

DOMICILIARY SERVICE: On the within named _____, by leaving the same at his domicile in this parish in the hands of _____, a person of suitable age and discretion residing in the said domicile at _____.

DUE AND DILIGENT: After diligent search and inquiry, was unable to find the within named _____ or his domicile, or anyone legally authorized to represent him.

RETURNED: Parish of East Baton Rouge, this _____ day of _____, 20____.

SERVICE: \$ _____
MILEAGE \$ _____
TOTAL: \$ _____

Deputy Sheriff

Served by: _____
i.e. Sheriff's Department, Process Server

Received by: RC

Disposition/Given to: JPP

Matter description or caption: Carl Cavalier v. LA State Police Commission

Description of document(s) being served: Civil Subpoena

CARL CAVALIER
(Plaintiff)

VS

LOUISIANA STATE POLICE COMMISSION
(Defendant)

NUMBER C-732938 24

19th JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

TO: JENNIE P. PELLEGRIN
NEUNERPATE
ONE PETROLEUM CENTER
1001 WEST PINHOOK ROAD, SUITE 200
LAFAYETTE, LA 70503

You must come to Court at **300 North Boulevard**, Baton Rouge, Louisiana, on **AUGUST 10:00 A.M.**, Courtroom No. **8B** Judge **HON DONALD R. JOHNSON**.

You must remain in Court until discharged by the Judge. You must testify to the truth, to your knowledge, in this case, under DIRECT/CROSS examination. (Ordered by **FEENEY, MI** Attorney.)

IF YOU DO NOT APPEAR, YOU WILL BE VIOLATING THE LAW AND MAY BE SUBJECT TO PENALTIES.

Ordered by the Court on **JULY 14, 2023**, Baton Rouge, Louisiana.



Alice Monaco

Deputy Clerk of Court for
Doug Welborn, Clerk of Court

SERVICE INFORMATION:

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____ on the above named party as follows:

PERSONAL SERVICE: On the party herein named at _____.

DOMICILIARY SERVICE: On the within named _____, by leaving the same at _____ in this parish in the hands of _____, a person of suitable age and discretion residing in the same _____.

DUE AND DILIGENT: After diligent search and inquiry, was unable to find the within named _____ his domicile, or anyone legally authorized to represent him.

RETURNED: Parish of East Baton Rouge, this _____ day of _____, 20____.

SERVICE: \$ _____
MILEAGE \$ _____
TOTAL: \$ _____

Deputy Sheriff

CIVIL SUBPOENA -2050

July 14, 2023

Hon. Doug Welborn
 Clerk of Court-19th JDC/Parish of East Baton Rouge
 300 North Boulevard
 Baton Rouge, LA 70801

Re: **Carl Cavalier v. La. State Police Commission**
 Suit No.: C-732938, Division 24; 19th JDC; Parish of East Baton Rouge; State of
 TPBP File No.: 6555/00001

Dear Sir:

Please issue a trial subpoena to each of the below listed individuals to appear a day hearing of the referenced matter to testify on behalf of defendant, the Louisiana St Commission, beginning at 10:00 a.m. on August 7, 2023, Div. 24, Room 8B, the Honorable R. Johnson presiding:

JASON HANNAMAN
Louisiana State Police Commission
Dept. of Agriculture and Forestry Bldg.
 5825 Florida Blvd., Ste. 1180
 Baton Rouge, LA 70806

COLONEL LAMAR A. DAVIS, SUPERINTENDANT
 7979 Independence Blvd.
 Baton Rouge, Louisiana 70806

JENNIE P. PELLEGRIN
 NeunerPate
 One Petroleum Center
 1001 West Pinhook Road, Ste. 200
 Lafayette, LA 70503

5194863.v1
 TAYLOR, PORTER, BROOKS & PHILLIPS L.L.P.
 www.taylorporter.com

BATON ROUGE

LAKE CHARLES

450 Laurel Street, Suite 800
 Baton Rouge, Louisiana 70801

Post Office Box 2471
 Baton Rouge, LA 70821

225.387.32
 225.346.80



**Certified True and
 Correct Copy**
 CertID: 2023071400329

Alice Monacis

East Baton Rouge Parish
 Deputy Clerk Of Court

7

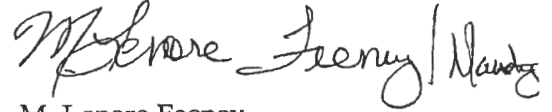
NAME	ATTENDANCE AT HEARING	MILEAGE
Jason Hannaman	\$50/day	\$5.50
Col. Lamar A. Davis	\$50/day	\$7.20
Jennie P. Pellegrin	\$50/day	\$74.28

Attached are our firm checks to be deposited into the registry for the mileage fees for each of the witnesses.

In the meantime, should you have any questions, please do not hesitate to contact

Sincerely,

TAYLOR, PORTER, BROOKS & PHILLIPS



M. Lenore Feeney

MLF:mh

Attachments

5194863.v1



Certified True and Correct Copy
CertID: 2023071400329

Alice Monaco

East Baton Rouge Parish
Deputy Clerk Of Court

71

Alteration and subsequent re-filing of this certified copy may violate La. R.S. 14:132, 133, and/or RPC Rule 3.3(a)(3).

111125
9:21am

Served by: _____
i.e. Sheriff's Department Process Server

Served by: RC

Position/Given to: JPP

Description or caption: Carl Canali v. LA State Police Commission

Description of document(s) being served: Subpoena Duces Tecum

PLEASE RUSH

NUMBER C-732938 24

CARL CAVALIER
(Plaintiff)

19th JUDICIAL DISTRICT COURT

VS

PARISH OF EAST BATON ROUGE

LOUISIANA STATE POLICE COMMISSION
(Defendant)

STATE OF LOUISIANA

TO: JENNIE PELLEGRIN
NEUNERPATE
ONE PETROLEUM CENTER
1001 WEST PINHOOK ROAD, SUITE 200
LAFAYETTE, LA 70503

You have been ordered by the Court to produce in the office of:

TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P.
450 LAUREL STREET, 8TH FLOOR
BATON ROUGE, LA 70801

at 10:00 A.M. on JULY 17, 2023 the following:

***SEE ATTACHED LETTER, NOTICE OF DEPOSITION AND
EXHIBIT FOR DOCUMENTS TO BE PRODUCED***
SEE ATTACHED CODE OF CIVIL PROCEDURE ARTICLE 1354

If this case is continued, you must bring those items back with you. If you do not come or bring these items, you will be violating the law and may be subject to penalties.

This SUBPOENA was requested by Attorney FEENEY, M LENORE and was issued by of Court on JULY 14, 2023.



Alice Monaco

Deputy Clerk of Court for
Doug Welborn, Clerk of Court

SERVICE INFORMATION:

Received on the _____ day of _____, 20____ and on the _____ day of _____, 20____
on the above named party as follows:

PERSONAL SERVICE: On the party herein named at _____.

DOMICILIARY SERVICE: On the within named _____, by leaving the same at
in this parish in the hands of _____, a person of suitable age and discretion residing in the said
_____.

DUE AND DILIGENT: After diligent search and inquiry, was unable to find the within named _____
his domicile, or anyone legally authorized to represent him.

RETURNED: Parish of East Baton Rouge, this _____ day of _____, 20____.

SERVICE: \$ _____
MILEAGE \$ _____
TOTAL: \$ _____

Deputy Sheriff

- A. A subpoena may order a person to appear and/or and produce at the trial, deposition, or hearing, books, papers, documents, or any other tangible things, or electronically stored information, in his possession or under his control, if a reasonably accurate description thereof is given;. A subpoena may specify the form or forms in which electronically stored information is to be produced. A party or an attorney requesting the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or cost on a person subject to that subpoena. but the court in which the action is pending in its discretion may vacate or modify the subpoena if it is unreasonable or oppressive. Except when otherwise required by order of the court, certified copies, extracts, or photostatic copies of books, papers, and documents may be produced in obedience to the subpoena duces tecum instead of the originals thereof. If the party or attorney requesting the subpoena does not specify that the named person shall be ordered to appear, the person may designate another person having knowledge of the contents of the books, papers, documents, or other things, or electronically stored information, to appear as his representative.
- B. A person commanded to respond to a subpoena duces tecum may within fifteen days after service of the subpoena or before the time specified for compliance, if such time is less than fifteen days after service, send to the party or attorney designated in the subpoena written objections, with supporting reasons, to any or all of the requests, including objection to the production of electronically stored information in the form or forms requested. If objection is so made, the party serving the subpoena may file a motion to compel compliance with the subpoena and may move for sanctions for failure to reasonably comply.
- C. A person responding to a subpoena to produce books, papers, or documents shall produce them as they are kept in the usual course of business or may organize and label them to correspond with the categories in the demand.
- D. If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably useable.
- E. A person responding to a subpoena need not produce the same electronically stored information in more than one form.
- F. A person responding to a subpoena need not produce books, papers, documents, or electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel production or to quash, the person from whom production is sought shall show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order production from such sources if the requesting party shows good cause. The court may specify conditions, including an allocation of the costs, for the production.
- G. When the person subpoenaed is an adverse party, the party requesting the subpoena duces tecum may accompany his request with a written request under oath as to what facts he believes the books, papers, documents, electronically stored information, or tangible things will prove, and a copy of such statement must shall be attached to the subpoena. If the party subpoenaed fails to comply with the subpoena, the facts set forth in the written statement shall be taken as confessed, and in addition the party subpoenaed shall be subject to the penalties set forth in Article 1357.
- H. Subpoenas duces tecum shall reproduce in full the provisions of this Article.

July 13, 2023

Via Hand Delivery

Hon. Doug Welborn
Clerk, 19th Judicial District Court
Governmental Building
222 St. Louis Street
Baton Rouge, LA 70802/70821

Re: Carl Cavalier v. La. State Police Commission
Suit No. 732938, Division 24
19th JDC, East Baton Rouge Parish
Our File No. 6555/00001

Dear Clerk:

We represent the Louisiana State Police Commission in the above referenced suit. Attach find our *Notice of Deposition and Subpoena Duces Tecum to Jennie Pellegrin*. Please Subpoena Duces Tecum for the documents requested on the *Notice* and request the sheriff same, as follows:

Deponent:

Jennie Pellegrin
NeunerPate
One Petroleum Center
1001 West Pinhook Road, Ste. 200
Lafayette, LA 70503

Records Requested:

1. Copies of all emails between Jennie Pellegrin and Jill Craft that memorializations of the terms of the settlement agreement between Carl Cav: the Department of Public Safety & Corrections (Office of State Police), follo settlement conference before Magistrate Judge Richard Bourgeois, Jr. on O 2022, in connection with the lawsuit entitled, "Carl Cavalier versus State of L Dept of Public Safety & Corrections: Public Safety Services; Office of State bearing Docket No. 21-656, in the United States District Court for the Middl of Louisiana.

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TAYLOR, PORTER, BROOKS & PHILLIPS L.L.P.
www.taylorporter.com

BATON ROUGE	LAKE CHARLES	
450 Laurel Street, Suite 800	Post Office Box 2471	225.387.322
Baton Rouge, Louisiana 70801	Baton Rouge, LA 70821	225.346.804



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Correct Copy**
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Alice Monaco

East Baton Rouge Parish
Deputy Clerk Of Court

2. Copy of the document that was the normal release agreement prepared in c with the settlement of the lawsuit entitled, "Carl Cavalier versus State of I Dept of Public Safety & Corrections: Public Safety Services; Office of Stat bearing Docket No. 21-656, in the United States District Court for the Midd of Louisiana, and that was the document referenced in the Motion to Settlement Agreement filed in that same proceeding.

The documents are to be received by M Lenore Feeney, at the office of Taylor Porter Phillips LLP, 450 Laurel Street, 8th Floor (70801), P.O. Box 2471, Baton Rouge, LA 70 before **July 27, 2023**.

Thank you for your assistance with this matter. Should you have any questions, please f contact me.

Sincerely,

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



M. Lenore Feeney

MLF:mh
Enclosure

cc: Carl Cavalier; Pro Se via: email and U.S. Mail
248 Ciera Drive
Houma, LA 70364
karlcavalier@yahoo.com

Jennie Pellegrin
NeunerPate
One Petroleum Center
1001 West Pinhook Road, Ste. 200
Lafayette, LA 70503

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Deputy Clerk Of Court

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CARL CAVALIER

NUMBER: C-732938 / SECTION

VERSUS

19TH JUDICIAL DISTRICT CO

PARISH OF EAST BATON RO

LOUISIANA STATE POLICE
COMMISSION

STATE OF LOUISIANA

**NOTICE OF DEPOSITION AND SUBPOENA DUCES TECUM TO
THE LOUISIANA STATE POLICE COMMISSION**

TO: Jennie Pellegrin
NeunerPate
One Petroleum Center
1001 West Pinhook Road, Ste. 200
Lafayette, LA 70503

PLEASE TAKE NOTICE that the Louisiana State Police Commission through under counsel, will take the **records-only deposition** of Jennie Pellegrin on July 27, 2023, at a.m. at the office of Taylor, Porter, Brooks & Phillips L.L.P., 450 Laurel St., 8th floor, I Rouge, Louisiana 70801. Pursuant to the Louisiana Code of Civil Procedure, the Record Custodian for the witness is to produce the records identified below:

1. Copies of all emails between Jennie Pellegrin and Jill Craft the memorializations of the terms of the settlement agreement between Carl Cavalier the Department of Public Safety & Corrections (Office of State Police), following settlement conference before Magistrate Judge Richard Bourgeois, Jr. on 6/22/2022, in connection with the lawsuit entitled, "Carl Cavalier versus State of Louisiana Dept of Public Safety & Corrections: Public Safety Services; Office of State Police" bearing Docket No. 21-656, in the United States District Court for the Middle District of Louisiana.
2. Copy of the document that was the formal release agreement prepared in connection with the settlement of the lawsuit entitled, "Carl Cavalier versus State of Louisiana Dept of Public Safety & Corrections: Public Safety Services; Office of State Police" bearing Docket No. 21-656, in the United States District Court for the Middle District of Louisiana, and that was the document referenced in the Motion to Dismiss Settlement Agreement filed in that same proceeding.

In connection with the Notice of Records Deposition, a Subpoena Duces Tecum is being served on the above identified deponent to produce the records identified. The deposition will be taken before a Notary Public or some other person duly authorized by law to administer oaths and for the purposes allowed by law.

If the records are mailed to M. Lenore Feeney at the office of Taylor, Porter, Brooks & Phillips L.L.P., 450 Laurel St., 8th Floor (70801), P.O. Box 2471, Baton Rouge, Louisiana 70821, or via email to: lenore.feeney@taylorporter.com prior to July 27, 2023 then a court appearance by Jennie Pellegrin is necessary.

A copy of Article 1354 of the Louisiana Code of Civil Procedure is attached as Exhibit

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Respectfully submitted,
TAYLOR, PORTER, BROOKS & PHILLIPS

By *M Lenore Feeney*
M. Lenore Feeney, Bar # 18597
450 Laurel Street, 8th Floor (70801)
P.O. Box 2471
Baton Rouge, LA 70821-2471
Telephone: (225) 381-0255
Direct Fax: (225) 215-8766
Email: lenore.feeney@taylorporter.com

**Attorneys for The Louisiana State Police
Commission**

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CertID: 2023071400298

Alice Monaco

East Baton Rouge Parish
Deputy Clerk Of Court

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing upon the following person by mail, telephone facsimile device, and/or First Class U.S. mail property addressed and prepaid this 14th day of July, 2023:

Carl Cavalier, Pro Se
248 Ciera Drive
Houma, LA 70364
Method of Service

Via Email: karlcavalier@yahoo.com


M. LENORE FEENEY

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Correct Copy
CertID: 2023071400298

Alice Monaco

East Baton Rouge Parish
Deputy Clerk Of Court

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A. A subpoena may order a person to appear and produce at the trial, deposition, or hearing, books, papers, documents, any other tangible things, or electronically stored information, in his possession or under his control, if a reasonably accurate description thereof is given. A subpoena may specify the form or forms in which electronically stored information is to be produced. The party or an attorney requesting the issuance and service of a subpoena shall take reasonable steps to avoid imposing an undue burden or cost on a person subject to that subpoena. The court in which the action is pending in its discretion may vacate or modify the subpoena if it is unreasonable or oppressive. Except when otherwise required by order of the court, certified copies, or copies of books, papers, and documents may be produced in obedience to the subpoena duces tecum instead of the originals thereof. If the party or attorney requesting the subpoena does not specify that the named person shall be ordered to appear, the person may designate another person having knowledge of the contents of the books, papers, documents, or things, or electronically stored information, to appear as his representative.

B. A person commanded to respond to a subpoena duces tecum may, within fifteen days after service of the subpoena or the time specified for compliance, if such time is less than fifteen days after service, send to the party or attorney designating the subpoena written objections, with supporting reasons, to any or all of the requests, including objection to the production of electronically stored information in the form or forms requested. If objection is so made, the party serving the subpoena may file a motion to compel compliance with the subpoena and may move for sanctions for failure to reasonably comply.

C. A person responding to a subpoena to produce books, papers, or documents shall produce them as they are kept in the course of business or may organize and label them to correspond with the categories in the demand.

D. If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena may produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably useable.

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H. Subpoenas duces tecum shall reproduce in full the provisions of this Article.

Credits

Amended by Acts 1978, No. 593, § 1; Acts 2008, No. 824, § 2, eff. Jan. 1, 2009.

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