

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

LOUISIANA STATE TROOPERS	:	NO. 672,676 SEC. 24
ASSOCIATION, JAMES O'QUINN, ET AL	:	
	:	
v.	:	
	:	
STATE POLICE COMMISSION	:	

**ANSWER TO FIRST SUPPLEMENTAL AND AMENDED
PETITION WITH AFFIRMATIVE DEFENSES**

NOW INTO COURT, through undersigned counsel, come Defendants, the Louisiana State Police Commission ("LSPC") and Jason Hannaman ("Mr. Hannaman"), and for answer to Plaintiffs' Amended Petition, deny each and every allegation contained therein, except for those admissions that are specifically made herein as follows:

I.

In response to Paragraph I of the Amended Petition that was amended to add paragraph 10.a., Defendants deny the allegations as written and admit there was a Ruling on Motion for Summary Disposition in Docket No. 16-221-I in which the LSPC concluded, "For the above reasons, assuming the charges to be true, the charges would not constitute a violation of the State Police Article or the State Police Commission Rules, and as such the investigation is hereby summarily dismissed." In that decision the LSPC specifically stated that neither the LSTA nor its executive director were subject to the State Police Service Article or otherwise governed by the rules of the LSPC, and that the LSPC had no jurisdiction to consider alleged wrongdoing of either the LSTA or the executive director. In describing the earlier dismissal of the investigation by the LSPC, the Ruling provided that the dismissal was not based on a decision that the conduct at issue was permissible under the Rules applicable to the State Troopers who allegedly engaged in the conduct. However, with respect to the members and officers of the LSTA who were covered by LSPC Rule 4.1, the LSPC stated, "It is the opinion of the Commission that where there is unsettled law and no decisions concerning the issue from the controlling appellate court or the Louisiana Supreme Court, and the members of the LSTA relied on the advice of counsel,

there is no violation of the State Police Service Article or the rules of this Commission.”

II.

In response to Paragraph II of the Amended Petition that was amended to add paragraph 18.a., Defendants deny the allegations as written. Defendants admit that a complaint and request for investigation, dated January 9, 2019, was received by the LSPC on January 10, 2019. The complaint described in paragraph 18.a. was filed against Classified Members of the Office of State Police, not the LSTA as alleged. The amended complaint filed with the LSPC named the individual, classified members of the Office of State Police. There was no complaint against the LSTA as an entity. At the February 14, 2019 meeting, the LSPC determined there was a bookkeeping error by the PAC that caused a reporting error that made it appear the LSTA had made a political contribution when in fact it had not, and there was no violation of the LSPC Article and Rules; therefore, the LSPC chose to dismiss the complaint and not undertake an investigation. A typographical error in the minutes of the meeting provides that the LSTA was dismissed, when, in fact, the complaint against the individual troopers, who were officers of the LSTA, was dismissed and the LSPC declined to undertake an investigation.

III.

In response to Paragraph III of the Amended Petition that was amended to add paragraph 18.b., Defendants admit that proposed amendments to LSPC Rule 14.2 were drafted in General Circular No. 190 and posted on January 23, 2018; that a public hearing was held on February 8, 2018 to consider the proposed amendments, and members of the classified police service and the LSTA presented testimony against the proposed amendments; that between the time of the posting and the date of the February 8, 2018 meeting, Mr. Hannaman received public comment regarding the proposed amendments; and thereafter, the LSPC never voted to approve the amendments. The proposed amendments were never promulgated as a Rule and were never made effective. The proposed rules were formally rejected at a meeting of the LSPC on September 12, 2019.

IV.

In response to Paragraph IV of the Amended Petition that was amended to add paragraph

18.c., Defendants deny the allegations as written and submit General Circular No. 202 contains the best evidence of its contents without interpretation as described by Plaintiffs.

V.

In response to Paragraph V of the Amended Petition that was amended to add paragraph 18.d., Defendants deny the allegations contained in paragraph 18.d.

VI.

In response to Paragraph VI of the Amended Petition that was amended to add paragraph 18.e., Defendants deny the allegations contained in paragraph 18.e and show that the Louisiana Constitution and the LSPC Rules contain prohibitions against political activity and that “political activity” is defined in the Louisiana Constitution, Art. 10, §47(C).

VII.

In response to Paragraph VII of the Amended Petition that was amended to add paragraph 19, Defendants deny the allegations of paragraph 19, except that the LSPC agrees and concedes that it does not have jurisdiction over the entity, the LSTA, and the entity, the LSTA, is not subject to La. Const. Art. 10, §47 or LSPC Rules. However, the LSPC maintains jurisdiction over classified members of the state police service (whether they are members/managers/officers of the LSTA or not) who are subject to La. Constitution Art. 10, §47 and the LSPC rules.

VIII.

In response to Paragraph VIII of the Amended Petition that was amended to add paragraph 20, Defendants deny the allegations of paragraph 20, and show that the LSTA operated for many years without engaging in political activity without its demise. Further, under the La. Constitution and LSPC Rules, the LSTA is not prohibited from supporting issues important to it.

IX.

In response to Paragraph IX of the Amended Petition that was amended to remove the allegations contained in paragraph 21 of the original petition, the allegations do not require an answer of Defendants; however, in an abundance of caution, Defendants deny the amendment.

X.

In response to Paragraph X of the Amended Petition that was amended to add allegations to paragraph 22 of the original petition, Defendants deny the allegations as written and aver that Plaintiffs have no right or cause of action against Mr. Hannaman.

XI.

In response to Paragraph XI of the Amended Petition in which Plaintiffs re-aver and re-allege each and every allegation of their original petition except as amended and supplement, Defendants re-aver and re-allege all prior responses to those allegations and affirmative defenses as previously alleged in Defendants' Answer to the original petition.

XII.

In response to Paragraph XII of the Amended Petition in which Plaintiffs supplemented a new prayer for relief, Defendants deny the allegations and prayer except that Defendants admit that the LSTA is not subject to the La. Constitution Article 10, §47 or the LSPC Rules.

AFFIRMATIVE DEFENSES

And now responding to the allegations of the Amended Petition, Defendants affirmatively aver, allege and plead the following affirmative defenses:

XIII.

The Louisiana State Troopers' Association ("LSTA") has no right of action to bring this suit against Defendants.

XIV.

The Louisiana State Troopers' Association ("LSTA") has no cause of action to bring this suit against Defendants.

XV.

The basis for Plaintiffs' claims was extinguished when the proposed amendments to LSPC Rule 14.2 were rejected and General Order No. 191 was superseded.

XVI.

This Court lacks subject matter jurisdiction over Defendants.

XVII.

Defendants are entitled to immunity and/or qualified immunity from suit.

XVIII.

Defendants plead immunity under La. R.S. 9:2798.1.

XIX.

The individual Defendants have no right of action against Defendants.

XX.

The individual Defendants have no cause of action against Defendants.

XXI.

Plaintiffs' action lacks a justiciable controversy.

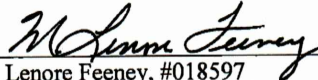
XXII.

The LSPC and Mr. Hannaman have, at all times pertinent hereto, acted in the course and scope of their lawful power and duties.

Further answering, Defendants specifically request notice of any and all orders, rulings or notices issued by the Court in this matter.

WHEREFORE, Defendants, the Louisiana State Police Commission and Jason Hannaman, pray for notice of trial, and that this Answer to First Supplemental and Amended Petition be deemed suitable and that, after all legal delays and proceedings are had, there be judgment entered against Plaintiffs and in favor of Defendants, with prejudice, and with Plaintiffs to pay all court costs and attorney's fees.

Respectfully submitted by:

By 
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- CERTIFICATE -

I certify that a copy of the foregoing was this day emailed and mailed, postage prepaid, to
Floyd J. Falcon, Jr., Avant & Falcon, P. O. Box 2667, Baton Rouge, Louisiana 70821 and Mary
Ann White, Shows, Cali & Walsh, L.L.P., P.O. Drawer 4425, Baton Rouge, Louisiana 70821..
Baton Rouge, Louisiana, this 2nd day of June, 2020.


M. Lenore Feeney