EAST BATON ROUGE PARISH
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Deputy Clerk of Court
C-672676
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LOUISIANA STATE TROOPERS ASSOCIATION, ET AL

VERSUS

STATE POLICE COMMISSION, ET. AL.

SUIT NO. 672,676 SEC. 24

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

FIRST SUPPLEMENTAL AND AMENDED PETITION

NOW INTO COURT come Petitioners, **Louisiana State Troopers Association ("LSTA"), James O'Quinn, Derek Sentino, Brett Travis, Chris Wright, Larry Badeaux, Jr., Rodney Hyatt, John Heath Miller, Hackley E. Willis, Jr., Andy Stephenson, Dale Latham, John M. Trahan, Mike Neal and Chase Huval,** through undersigned counsel, who, with respect, represent:

I.

Petitioners desire to supplement and amend their original petition by adding allegations to be numbered 10.a., to immediately follow paragraph 10 of the original petition, and to read as follows:

The State Police Commission also considered the investigation of Louisiana State Troopers Association political contributions, Docket No. 16-221-I, at its February 8, 2018 business meeting. This investigation was initiated when a complaint was filed alleging the Louisiana State Troopers Association, through its members, made political contributions to various political candidates. Although the investigation was dismissed, the Ruling on Motion for Summary Disposition stated that the ruling did not conclude that the conduct at issue is permissible under the State Police Commission Rules.

II.

Petitioners desire to supplement and amend their original petition by adding allegations to be numbered 18.a., to immediately follow paragraph 18 of the original petition, and to read as follows:

At the State Police Commission's regularly scheduled business meeting held January 10, 2019, a complaint was submitted against the Louisiana State Troopers Association alleging violations of rules prohibiting political activity. The complaint was ultimately dismissed by the State Police Commission at its February 14, 2019 regular business meeting, citing a bookkeeping/reporting error as reasons for the dismissal, clearing the Louisiana State Troopers

Association of all charges. Nonetheless, the complaint was received and investigated by the State Police Commission.

III.

Petitioners desire to supplement and amend their original petition by adding allegations to be numbered 18.b., to follow paragraph 18 of the original petition and to immediately follow paragraph 18.a. of the First Amended and Supplemental Petition, and to read as follows:

The State Police Commission voted to withdraw the proposed amendments to Rule 14.2 of the State Police Commission Rules on September 12, 2019 at its regularly scheduled business meeting.

IV.

Petitioners desire to supplement and amend their original petition by adding allegations to be numbered 18.c., to follow paragraph 18 of the original petition and to immediately follow paragraph 18.b. of the First Amended and Supplemental Petition, and to read as follows:

On November 13, 2019, in response to the original petition seeking Declaratory relief, the State Police Commission Executive Director, Jason Hannaman, issued General Circular No. 202 which purports to supersede General Circular No. 191. The stated purpose of General Circular No. 202 is to remind members of the classified state police service that there are rules governing political activity. Article 10 § 47 of the Louisiana Constitution and Rules 14.2 and 14.3 of the State Police Commission are included in General Circular No. 202. General Circular No. 202 also explains that there have been no applicable court opinions interpreting either the State Constitution or the State Police Commission Rules with respect to the political activity of members of the classified state police services, that all complaints of violations of the State Constitution or the State Police Commission Rules with respect to the political activity of members of the classified state police services will be investigated and determined on a case-by-case basis, that violations of prohibited political activity are serious and the State Police Commission has authority to order discipline of an employee who engages in such prohibited activity up to and including termination.

V.

Petitioners desire to supplement and amend their original petition by adding allegations to be numbered 18.d., to follow paragraph 18 of the original petition and to immediately follow paragraph 18.c. of the First Amended and Supplemental Petition, and to read as follows:

Since there have been recent complaints against Louisiana State Troopers Association of engaging in alleged prohibited political activity and because those complaints have been investigated by the State Police Commission, even without the adoption of the withdrawn proposed amendments to Rule 14.2 of the State Police Commission Rules, Petitioners fear future complaints may be initiated and investigated if the Louisiana State Troopers Association engages in political activity. The likelihood of future complaints against Louisiana State Troopers Association has a chilling effect on the exercise of its constitutional right to engage in political activity. It also has a chilling effect on the exercise of the right to freedom of association by current and future Louisiana State Troopers Association Board members that are members of State Police service.

VI.

Petitioners desire to supplement and amend their original petition by adding allegations to be numbered 18.e., to follow paragraph 18 of the original petition and to immediately follow paragraph 18.d. of the First Amended and Supplemental Petition, and to read as follows:

Due to the fact that there is no clear guidance from the State Police Commission regarding membership in or management of an organization that engages in political activity as defined in Article 10 § 47(c) of the Louisiana Constitution and because there is no interpretation from the First Circuit Court of Appeal or the Louisiana Supreme Court regarding membership in or management of an organization that engages in political activity with respect to members of the classified state police service, Petitioners fear they may be subject to penalties up to and including termination should Louisiana State Troopers Association engage in political activity. This fear limits the effectiveness of the Louisiana State Troopers Association to pursue and fulfill its purposes.

VII.

Petitioners desire to supplement and amend their original petition by removing the allegations in paragraph 19 of the original petition and replacing them with the following allegations, to read as follows:

Petitioners seek a declaratory judgment that the Louisiana State Troopers Association is not subject to the Louisiana Constitution or the State Police Commission rules related to political activity of members of the classified state police service, that Louisiana State Troopers Association has a constitutionally protected right to support or oppose political candidates, parties or factions,

and that membership in or management of Louisiana State Troopers Association does not vi the Louisiana Constitution or the State Police Commission rules, even when Louisiana S Troopers Association engages in political activity as defined in Article 10 § 47(c) of the Louis Constitution.

VIII.

Petitioners desire to supplement and amend their original petition by removing allegations in paragraph 20 of the original petition and replacing them with the follov allegations, to read as follows:

The inability of Louisiana State Troopers Association to engage in political activity dv the unknown consequences for its members and management would, over time, result in demise of the Louisiana State Troopers Association and adversely affect its purpose for existe

IX.

Petitioners desire to supplement and amend their original petition by removing allegations in paragraph 21 of the original petition.

X.

Petitioners desire to supplement and amend their original petition by adding allegatior paragraph 22 of the original petition, to read as follows:

Petitioners also make Jason Hannaman a party due to his publication of General Circ No. 202 and the comments included therein.

XI.

Petitioners reaver and reallege each and every allegation of their original petition excep amended or supplemented herein.

XII.

Petitioners desire to supplement and amend their original petition by removing their pr for relief contained in the original petition and adding a new prayer for relief, to read as follov

WHEREFORE, Petitioners pray that:

1. A copy of this First Supplemental and Amended Petition, together with a citati to appear herein and answer same, be served upon the Louisiana State Police Commission;

2. That this Honorable Court declare that the Louisiana State Troopers Associatic not subject to the Louisiana Constitution or the State Police Commission r related to political activity of members of the classified state police service, Louisiana State Troopers Association has a constitutionally protected righ

support or oppose political candidates, parties or factions, and that membership in or management of Louisiana State Troopers Association does not violate the Louisiana Constitution or the State Police Commission rules, even when Louisiana State Troopers Association engages in political activity as defined in Article 10 § 47(c) of the Louisiana Constitution.

3. That Jason Hannaman be served with a copy of the request for declaratory judgment and provided an opportunity to be heard;

4. After due proceedings are had, that the Court enter a judgment declaring that the Louisiana State Troopers Association is not subject to the Louisiana Constitution or the State Police Commission rules related to political activity of members of the classified state police service, that Louisiana State Troopers Association has a constitutionally protected right to support or oppose political candidates, parties or factions, and that membership in or management of Louisiana State Troopers Association does not violate the Louisiana Constitution or the State Police Commission rules, even when Louisiana State Troopers Association engages in political activity as defined in Article 10 § 47(c) of the Louisiana Constitution.

5. That Defendants be cast with all costs and reasonable attorney's fees herein; and

6. Petitioners pray for any and all further relief as warranted under the premises.

Respectfully submitted by:

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PLEASE SERVE:

Louisiana State Police Commission
Through its Executive Director,
Jason Hannaman
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5825 Florida Boulevard, Suite 1180
Baton Rouge, Louisiana 70806

And

Jason Hannaman
at Louisiana State Police Commission
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