

10TH JUDICIAL DISTRICT COURT

PARISH OF NATCHITOCHE

STATE OF LOUISIANA

NO. C-90,284

CALVIN W. BRAXTON, SR.

VERSUS

LOUISIANA STATE TROOPERS ASSOCIATION AND JAY OLIPHANT

* * * * *

VIDEO CONFERENCE DEPOSITION OF

EULIS SIMIEN, JR.

TAKEN AT THE LAW OFFICE OF JILL CRAFT, 329 ST. FERDINAND STREET, BATON ROUGE, LOUISIANA, ON SEPTEMBER 25, 2020, BEGINNING AT 11:32 A.M.

REPORTED BY:
JENNIFER W. PICKETT
CERTIFIED COURT REPORTER
CERTIFICATE NUMBER 29011

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Also present:

Calvin Braxton, Jay Oliphant, Jay Aucoin

I N D E X

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none	

S T I P U L A T I O N

It is stipulated and agreed by and between counsel for the parties hereto that the deposition of the aforementioned witness is hereby being taken pursuant to the Louisiana Rules of Civil Procedure, in accordance with law;

That the formalities, of reading, signing, sealing, certification, and filing are specifically not waived;

That all objections are hereby reserved until such time as this deposition, or any part thereof, may be used or sought to be used in evidence.

* * * * *

Jennifer W. Pickett, Certified Court Reporter, in and for the State of Louisiana, officiated in administering the oath to the witness.

* * * * *

1 (EULIS SIMIEN, JR., AFTER HAVING BEEN FIRST
2 DULY SWORN BY THE ABOVE-NAMED COURT
3 REPORTER, WAS EXAMINED AND TESTIFIED AS
4 FOLLOWS:)

5 MS. CRAFT:

6 Counsel, again for the record,
7 if we can state who is present in
8 each of the venues that would be
9 helpful.

10 MS. FEENEY:

11 Lenore Feeney.

12 THE WITNESS:

13 I'm at my office. Nobody's in
14 my personal office right now.

15 MS. CRAFT:

16 Thank you, sir.

17 THE WITNESS:

18 I will not guarantee that
19 someone may not walk in but if
20 they do, I will say.

21 MS. CRAFT:

22 Thank you.

23 MR. FALCON:

24 Floyd Falcon. I'm at my
25 office and Jay Aucoin is with me.

1 MR. MAYEAUX:

2 Ben Mayeaux. I'm by myself.

3 MR. OXENHANDLER:

4 Steve Oxenhandler in my office
5 and I have Colonel Oliphant with
6 me.

7 MS. CRAFT:

8 Okay. We're ready?

9 E X A M I N A T I O N

10 BY MS. CRAFT:

11 Q Mr. Simien, as you know my name is Jill
12 Craft. I represent Calvin Braxton, who
13 is seated with me in my office along with
14 the court reporter. I know that you
15 understand the rules of a deposition.
16 I'm just am going to remind you, because
17 we're doing this deposition by Zoom, I'm
18 going to try to take a deep breath before
19 I ask you another question and I will ask
20 you to do the same, only because it does
21 interrupt our flow and any movement if
22 somebody's not on mute is going to stop
23 the feed and make us all a little crazy.
24 Can you give me your full name and
25 business address, please sir, for the

1 **record?**

2 A Eulis Simien, Junior, 7908 Wrenwood
3 Boulevard in Baton Rouge 70809.

4 Q **Mr. Simien, I do not have a lot of**
5 **questions for you but I'm going to try to**
6 **get through this as quickly as possible.**
7 **You do know Calvin Braxton; am I correct?**

8 A That is correct.

9 Q **How do you know Mr. Braxton?**

10 A My recollection, the first time I ever
11 met him was when I joined the Louisiana
12 state police commission. I'm not saying
13 I may not have seen him before that but
14 that's my recollection of the first time
15 meeting.

16 Q **Have you talked to him at all since he**
17 **left the commission?**

18 A I don't think so. It's been -- how long
19 is it, two years? I don't believe I
20 have. Now, maybe immediately after him
21 leaving we may have had some brief
22 conversations, but I don't think so.

23 Q **Did you ever attend a meeting with the**
24 **governor also with Mr. Braxton?**

25 A I did.

1 Q Can you tell me about that, please?

2 A What do you want to know about it?

3 Q First of all, what was the meeting about?

4 A Mr. Braxton came to me and told me he had
5 a meeting with the governor and asked me
6 if I wanted to attend. I said sure. I
7 was new to the commission, relatively
8 new, so I said sure. We showed up at the
9 governor's office. It is Mr. Braxton, I
10 and the governor sitting in his office
11 and part of what was discussed that
12 sticks out in my mind whenever the
13 allegations against Mr. Braxton that were
14 being made, he somehow had used his
15 influence on the state police commission
16 relative to some charges against his
17 daughter.

18 Q Can you tell me what the governor said in
19 regards to that?

20 A I don't remember him saying anything
21 other than the discussion generally that
22 those allegations were being made.

23 Q Did you get a sense as to how the
24 governor became aware of those
25 allegations being made against Mr.

1 **Braxton?**

2 A If I did at the time, I don't recall
3 today.

4 Q **Did you ever see a letter written on
5 behalf of the state trooper's association
6 by Mr. Falcon accusing Mr. Braxton of
7 improperly using his influence?**

8 A I don't recall ever seeing the letter. I
9 don't believe it came up at that meeting
10 you were asking about because I think I
11 kind of remember that. I do know Mr.
12 Braxton at one of the meetings mentioned,
13 I believe the letter was mentioned by him
14 to me. I don't recall ever specifically
15 seeing the letter personally but I heard
16 about the letter, mostly from Mr.
17 Braxton.

18 Q **But you understood at least somebody had
19 made allegations that Mr. Braxton used
20 his influence on the state police
21 commission as it relates to charges
22 against his daughter. Somebody had told
23 the governor that; is that right?**

24 A Certainly I understood the governor had
25 been told that by someone and don't get

1 me wrong. I'm not saying that it wasn't
2 even said at the meeting who it was but I
3 don't recall. I don't recall it being
4 said who it was that advised the governor
5 of it. I do know that the governor was
6 aware of it so obviously someone had to
7 have made that allegation.

8 **Q Tell me what happened that you remember**
9 **with respect to the meeting. The**
10 **governor was what, asking Mr. Braxton**
11 **about it?**

12 A I'm sorry, was the governor what?

13 **Q Asking Mr. Braxton about those**
14 **allegations?**

15 A Yeah, he wasn't asking me about it. Up
16 until the topic came up, I didn't even
17 know what he was talking about so he
18 wasn't asking me about it.

19 **Q Do you recall what Mr. Braxton was**
20 **saying?**

21 A In a general sense, he certainly was
22 saying that he did not use his influence
23 in any way. That he wouldn't do such a
24 thing. That he would understand that
25 that would not have been the thing to do,

1 I mean, beyond the general denial.

2 **Q Do you recall this being in 2017? You**
3 **said it was right when you first came on**
4 **board; when did you come on the board?**

5 A I came on in 2016. It could've been in
6 2017, so depending on what month it was.
7 I came on in June or July of 2016, so if
8 it was in '17, yeah, I would still
9 consider myself being relatively new.

10 **Q Did you have an understanding that the**
11 **allegations against Mr. Braxton dated**
12 **back to December of 2015?**

13 A At some point I may have known that and I
14 would say if I did, it would've been in
15 conversations with Mr. Braxton because
16 that was mainly where I knew about it.
17 He and I had a conversation before one of
18 the commission meetings about those
19 things.

20 **Q What do you remember Mr. Braxton telling**
21 **you about the allegations?**

22 A I remember him telling me that he was
23 being accused of trying to use his
24 influence. That there were things said
25 about him that weren't true. That they

1 claimed he did things that weren't true.
2 You got to understand at the time this
3 conversation was going on, I certainly am
4 listening and being concerned about what
5 he's saying but it's not like I made note
6 of or it was oh, I got to remember this
7 for three years later on down the road.
8 But basically there was, I believe he
9 mentioned a trooper. I can't tell you
10 the trooper's name that had gone out of
11 his way to do this. He believed, if I
12 recall correctly, that the trooper may
13 have had some sort of vendetta against
14 him for some prior situation, which I
15 don't recall what that situation was.

16 **Q Do you recall hearing anything about Mr.**
17 **Braxton opposing some of the actions that**
18 **were being taken by commission members**
19 **prior to you getting on that board?**

20 **A** I guess it depends on what you mean by
21 that. Obviously as board members, we may
22 have talked about what may have
23 transpired at a previous meeting or
24 something like that.

25 **Q Let me ask a better question**

1 **specifically. Do you recall Mr. Braxton**
2 **bringing up an issue as it related to the**
3 **operation of a bar at state police**
4 **training facility with the liquor being**
5 **supplied by the State Trooper's**
6 **Association?**

7 A I remember the situation of Mr. Millet,
8 who comes to a lot of our meetings -- at
9 least, used to -- filing a complaint
10 about that. My recollection was that
11 that was during my tenure. Now, it could
12 be that I just heard about it after my
13 tenure ended and it occurred before my
14 tenure and I heard about it once my
15 tenure started but I thought that came up
16 during my tenure, if I recall correctly.

17 Q **Do you remember, was that early in your**
18 **tenure?**

19 A It would have been really early in my
20 tenure if it was during my tenure.

21 Q **So maybe sometime around June of 2016?**

22 A That's when I started. I can't give you
23 a better date than that, yeah.

24 Q **Do you recall you having any discussion**
25 **with Mr. Braxton about these allegations**

1 of using his influence occurring after
2 the issue was raised with respect to the
3 operation of the bar at state police
4 training facility by LSTA providing the
5 liquor?

6 A I'm not sure that I can actually say what
7 came first but I wouldn't doubt. If
8 someone else had that memory, I wouldn't
9 doubt it, I would not dispute it but I
10 can't say one way or the other.

11 Q Did you hear anything about an incident
12 report being prepared six months after
13 the fact? In other words, the allegation
14 was something happened in December of
15 2015 and an incident report about that
16 was not generated until six months later,
17 in roughly June of 2016?

18 A You're talking about incident report
19 related to the claim where Mr. Braxton
20 had tried to use his influence?

21 Q Yes.

22 A Okay. I was aware of that. I think I
23 became aware of that in talking to Mr.
24 Braxton. He may have even shared the
25 incident report with me. Yes, I was

1 aware of that.

2 **Q Did you see the incident report anywhere**
3 **else?**

4 A Not that I can recall. But I'm not
5 saying I didn't, but that's the only
6 place I ever recall seeing it.

7 **Q Do you recall there being any media**
8 **reports about the allegation against Mr.**
9 **Braxton?**

10 A Yes.

11 **Q Do you recall in the media reports seeing**
12 **the incident report also being displayed;**
13 **the one that was prepared six months**
14 **later?**

15 A I don't recall that but it could've been.
16 I don't recall.

17 **Q Did you hear anything about Mr. Oliphant**
18 **accusing Mr. Braxton of being a**
19 **participant in a murder?**

20 A I do not recall that. I would hope I
21 would remember if I had heard that but I
22 don't recall.

23 **Q Have you ever had any conversations with**
24 **Mr. Oliphant?**

25 A No. I don't even know who he is.

1 Q Have you had any conversations with
2 anyone at State Police about allegations
3 against Mr. Braxton?

4 A No.

5 Q Have you had any conversations with
6 anyone affiliated with LSTA and that's
7 going to include obviously some State
8 Police troopers about allegations
9 involving Mr. Braxton?

10 A I have not had any conversations with
11 them about that.

12 Q Sir, did you become aware of any Facebook
13 posting posted by Mr. Oliphant relating
14 to Mr. Braxton?

15 A Not that I can recall. I certainly would
16 not have become aware of it by going to a
17 Facebook page because I have my own
18 Facebook page that I go to about once
19 every six months so I wouldn't have seen
20 it on Facebook. Now, might someone have
21 told me about it? Possibly, but I don't
22 recall being told about it.

23 Q That's what I was going to ask. Do you
24 remember hearing anything about Mr.
25 Oliphant publishing on his Facebook page

1 a posting that accused Mr. Braxton of
2 committing crimes, of having somebody
3 follow him and watch his every move?

4 MR. OXENHANDLER:

5 Object to form.

6 BY MS. CRAFT:

7 Q Of it being an obvious attempt to
8 intimidate and retaliate against Mr.
9 Oliphant; do you remember anything like
10 that, sir?

11 A I do not.

12 Q Do you recall hearing anything about
13 public records requests being shared with
14 LSTA relating to Mr. Braxton?

15 A I have a vague recollection that there
16 was a public records request by someone
17 who may have been associated with LSTA
18 that was submitted to our Executive
19 Director and he notifies the -- whenever
20 we get public records requests, he
21 notifies the members. I generally
22 acknowledge that he notified me but I
23 don't get involved in his responses.

24 Q Do you remember what the LSTA was
25 requesting from the executive director

1 **relating to Mr. Braxton?**

2 A If I recall correctly, any communications
3 relative to tickets, that's the thing
4 that sticks out that I can recall but I
5 mean I'm sure that y'all have a copy of
6 the records request. Beyond that I don't
7 recall it.

8 **Q Do you recall roughly what time period**
9 **that was; was it before or after Mr.**
10 **Braxton was no longer on the commission?**

11 A I will say I believe it was before he was
12 off the board, off the commission but I'm
13 not a hundred percent sure about that.
14 But that's what I believe it was.

15 **Q Did you become aware of another public**
16 **records request by media outlet WVUE in**
17 **New Orleans requesting similar documents**
18 **as it related to Mr. Braxton?**

19 A I'll put it this way. I am aware that
20 there was at least one public records
21 request relating to him and that's what I
22 can recall. And when you asked me
23 earlier whether it was from LSTA, I said
24 yeah but it could have been the TV
25 request that I was thinking about. I'm

1 not sure that I could distinguish between
2 the two from three years ago.

3 **Q Do you recall seeing any of the responses**
4 **provided by the executive director to**
5 **that public records request or requests,**
6 **plural?**

7 A I don't believe I saw the responses
8 actually but I'm not saying I didn't but
9 my recollection is I don't recall seeing
10 the responses.

11 **Q But you do recall the request singling**
12 **out something about tickets; correct?**

13 A That's what my recollection is, that it
14 had something to do with tickets.

15 **Q Can you tell me when you and Mr. Braxton**
16 **met with the governor, did the governor**
17 **at any time at that time suggest that Mr.**
18 **Braxton resign?**

19 A I think the discussion was had that he
20 would look at what was going on, he being
21 Mr. Braxton and that he would do the
22 right thing based on the circumstance. I
23 don't think the issue of resignation was
24 specifically discussed.

25 **Q But you do recall Mr. Braxton telling the**

1 **governor that he didn't do it; right?**

2 A I do recall him saying he did not do
3 those things, yes. I certainly recall
4 that.

5 Q **Do you know anything about how the**
6 **allegations came out? I mean how that**
7 **whole thing came about?**

8 A No, I do not. But not other than what I
9 recall from the conversation I had with
10 Mr. Braxton that I told you about
11 earlier.

12 Q **Did you have discussions with anyone else**
13 **on the commission about the allegations**
14 **against Mr. Braxton?**

15 A I do not recall having any conversations
16 and I doubt that I would. It's not the
17 sort of thing I would -- it was not
18 something before the commission so it
19 wasn't something I would normally have
20 talked about.

21 Q **I need to kind of switch gears a little**
22 **bit, sir. Do you remember attending an**
23 **appropriations committee hearing budget**
24 **meeting with a Cathy Derbonne?**

25 A I do.

1 Q Do you recall that being in November of I
2 think 2016, if I'm not mistaken?

3 A If that's when it shows, I'm not going to
4 say it wasn't. No, I don't recall it
5 being in November 2016, but that sounds
6 about right. I know it was earlier in my
7 tenure on the commission.

8 Q Sir, was that -- when you attended that
9 appropriations hearing with Ms. Derbonne,
10 was there anybody else with you and her?

11 A I remember one or two other commissioners
12 being there but I couldn't tell you who
13 they were.

14 Q Was that for the purposes of the
15 commission presenting its proposed budget
16 to the appropriations committee?

17 A That was for the purpose, as I understood
18 it, it was for the purpose of discussing
19 the budget. I don't know if it had
20 already been submitted or if it was being
21 presented at that time. I don't remember
22 but it certainly was for the purpose of
23 discussing the proposed budget.

24 Q As a commission member, did you receive a
25 copy of the proposed budget?

1 A Prior to that time?

2 Q **Yes, sir.**

3 A I do not recall receiving a copy of the
4 proposed budget prior to that time.

5 Q **But when you were at the appropriations
6 committee meeting with Ms. Derbonne, you
7 certainly had a copy of it with you;
8 right?**

9 A There was certainly a copy there. I
10 can't say I physically had a copy in my
11 hand but there was certainly a copy there
12 being discussed.

13 Q **And then subsequently there was a meeting
14 in December; am I correct? With the
15 commission where the formal budget
16 discussions were had; do you remember
17 that?**

18 A I remember having the formal budget
19 discussion. I have to rely on the agenda
20 as to exactly when that happened, but
21 yes.

22 Q **Were you aware of any conversations or
23 any statements by commission members that
24 there was some move to oust Mr. Braxton?**

25 A Amongst the commission members?

1 Q Yes.

2 A I do not recall a discussion to oust Mr.
3 Braxton by the commission. It's not our
4 authority to do that.

5 Q I understand, sir. And I'm not asking
6 about whether it was in a formal meeting.
7 I'm just asking if there were any
8 discussions that you were aware of among
9 commission members about some move to
10 oust Mr. Braxton or have him removed from
11 the board or his removal from the board?

12 A Not one that someone shared with me.

13 Q Did you hear anything about that?

14 A Mr. Braxton and I used to sit next to
15 each other at the meetings and appeared
16 to be fairly friendly with each other. I
17 don't think it would have been shared
18 with me if that were a conversation.

19 Q Did you ever hear anything about that
20 sir?

21 A No. Not that I can recall.

22 Q Sir, did you ever hear anything about any
23 troopers or anyone affiliated with the
24 state police wanting to oust or get Mr.
25 Braxton removed from the board?

1 A Not that any of them shared with me or
2 that I heard from someone else, no.

3 Q Same question with respect to the state
4 troopers association?

5 A No. I didn't talk to anyone in the state
6 troopers association other than in the
7 context of a meeting.

8 Q Sir, as a member of the state police
9 commission, do you unilaterally have the
10 authority to take any action against a
11 trooper?

12 A I can give you my opinion on that and my
13 opinion is no.

14 Q It's true, is it not, that it requires a
15 majority of the commission to act; am I
16 right? Whether that's in a quorum or as
17 a full commission in order to do
18 anything?

19 A Under the general rules of operation of
20 the commission, it requires a majority of
21 a quorum to take any action.

22 Q When you sit as a body and an officer
23 comes before you with an appeal of
24 disciplinary action, it's true, is it
25 not, that the disciplinary action

1 **initiates with the state police**
2 **themselves before the appeal is lodged**
3 **with you; am I right?**

4 A That is generally how it occurs but the
5 commission does have authority to on its
6 own without action by the agency to
7 discipline an officer but that's, you're
8 correct. That's generally how it
9 happens.

10 Q **But under the circumstance where the**
11 **commission on its own can, it requires a**
12 **vote of the majority of the commission to**
13 **undertake that action; am I correct?**

14 A That is my understanding, yes.

15 Q **And it would have to also be as a result**
16 **of information or some complaint that was**
17 **presented; am I correct?**

18 A I believe the executive director can
19 present a complaint to the commission but
20 yes, it would have to be some complaint
21 presented in some form, some
22 investigation, some conclusion of that
23 investigation and a decision by a
24 majority of the commission to take any
25 action, yes.

1 Q And it would require a majority of the
2 commission in the first instance to vote
3 to even investigate some sort of
4 allegation or complaint; isn't that
5 right?

6 A I'm not sure that is correct. I'm not
7 saying it's not. I'm not sure that's
8 correct. I think it depends on what you
9 mean by investigation. I think a
10 complaint can come to the executive
11 director and he can begin some forms of
12 investigation into it to determine
13 whether or not it's even something to
14 take to the commission for further
15 action.

16 Q Did you ever hear Mr. Braxton say
17 anything about trying to bring a
18 complaint against a Mr. Linebaugh or a
19 Mr. Oliphant; anything like that?

20 A Not to me and I didn't hear it from
21 anybody else.

22 Q Were you aware of Mr. Braxton ever
23 bringing any particular complaint
24 involving any state trooper to the
25 commission on his own?

1 A I am not aware of him ever doing that.

2 Q **When you dealt with Mr. Braxton on the**
3 **commission, how would you characterize**
4 **his dealings? How would you characterize**
5 **him as a commission member?**

6 A His views?

7 Q **No, his dealings?**

8 A Feelings?

9 Q **No, dealings sir, in other words --**

10 A Oh, dealings, I'm sorry, I'm just having
11 a hard time hearing you.

12 Q **That's all right.**

13 A Well, I mean, he was like any of the
14 other commission members. We would
15 discuss things at the meetings. We would
16 never discuss things outside of the
17 meetings with more than four members
18 present because of public meeting laws.
19 Sometimes there would be disagreements
20 between he and other members of the
21 commission as there would be between me
22 and other members of the commission on
23 certain issues. As it would be with
24 other commissioners and others. I mean
25 we didn't all agree on everything.

1 That's the purpose of having a
2 multimember commission. I don't know
3 what else you want me to say besides
4 that.

5 **Q Did you ever have any discussions with**
6 **Ms. Derbonne regarding some allegations**
7 **that there were certain people in the**
8 **state police that were either out to get**
9 **or they were after Calvin Braxton?**

10 A I do not ever recall her telling me that.
11 No, I don't recall her telling me that.

12 **Q Did you ever hear anything about that**
13 **from any source? That there were folks**
14 **that were after Mr. Braxton, were out to**
15 **get him?**

16 A I think I answered that earlier. Not
17 that I can recall.

18 **Q Did you ever have a discussion with Ms.**
19 **Derbonne where she said she felt there**
20 **were folks out to get her?**

21 A I guess I need you to clarify the
22 question a little bit. Certainly, as a
23 commission we have the authority to hire
24 and fire (inaudible). And had I ever had
25 a conversation with her that I felt that

1 -- well, I knew she was being considered
2 for termination because obviously we were
3 having a meeting where the budget issue
4 was going to be discussed and there was
5 concern over her handling of what she
6 told the state legislature.

7 **Q Did it seem to you sir that it was**
8 **targeted at Ms. Derbonne?**

9 A What was targeted at Ms. Derbonne?

10 **Q That there was some effort to remove her**
11 **from being the executive director?**

12 A It was pretty obvious that it was being
13 considered that whether or not we were
14 continuing to be pleased with her
15 handling of the job as executive
16 director. If that's what you're asking
17 me, yes. It was clear but that's always
18 going to be the case when a body has the
19 authority to hire and fire its executive
20 directors. I wouldn't use the word
21 directed at her but yes, we were going to
22 consider whether we were going to
23 maintain or terminate that employment.

24 **Q Sir, with respect to Mr. Braxton, when**
25 **did you become aware that he was no**

1 **longer going to be on the commission?**

2 A I'm trying to remember. I don't remember
3 him calling me although I would not have
4 been surprised if he would have because
5 we talked. I don't remember whether it
6 was simply when the press release came
7 out. I don't know of any other way I
8 would have found out. I know no one else
9 told me.

10 **Q If we can take a short break. Let me**
11 **confer with my client and we may be**
12 **almost done.**

13 (Off the record.)

14 MS. CRAFT:

15 Mr. Simien, I do not have any
16 more questions of you. Thank you
17 for your time. I don't know if
18 the other lawyers will or not.

19 MS. FEENEY:

20 Apparently we're missing one.
21 I see Oxenhandler is not in his
22 seat.

23 MS. CRAFT:

24 Okay, well hopefully he'll
25 come back.

1 MR. FALCON:

2 Maybe we should stop before he
3 gets back and then we can go
4 ahead and --

5 MS. CRAFT:

6 That way he won't have any
7 questions for you.

8 MR. FALCON:

9 I may have one or two
10 questions.

11 MS. CRAFT:

12 You want to wait until he gets
13 back?

14 CROSS EXAMINATION

15 BY MR. FALCON:

16 **Q I was interested in the public records**
17 **request that Ms. Craft mentioned. Do you**
18 **recall discussing or receiving, the**
19 **commission receiving more than one public**
20 **records request that dealt with Mr.**
21 **Braxton?**

22 **A That's what I was trying to say earlier.**
23 **My memory on that is vague. I don't**
24 **remember if it was one or more than one.**
25 **I vaguely remember that maybe there were**

1 two but I couldn't swear to that other
2 than a vague recollection.

3 Q If there were two, we all know that there
4 was one because we have some documents
5 and before that also Jason just testified
6 about the one from WVUE I think, a
7 television station in New Orleans. But
8 if there is another one, do you recall
9 who might have initiated it, if one
10 exists?

11 A No. Like I indicated earlier, I remember
12 one and in answer to the question she
13 asked me whether it was from LSTA and I
14 think I said yes but I'm not really
15 certain. I'm not even more likely than
16 not certain that it was from LSTA. I
17 just remember there being a public
18 records request and possibly being two.

19 Q When we took Jason's testimony a little
20 while ago, one of the questions asked of
21 him was what commissioners had resigned
22 since he had been there. And he named a
23 number of commissioners that had resigned
24 but he did not name Freddie Pitcher. You
25 recall Judge Pitcher being on the

1 **commission and having to resign relative**
2 **to a public contribution issue?**

3 A That would not have been during Jason's
4 tenure. Judge Pitcher resigned, which
5 opened the spot for me to become a
6 commissioner. I took his place. That's
7 how I know the history behind that, so
8 Jason would not have been there.

9 Q **Did he resign before your tenure?**

10 A He resigned before I got on, yes.

11 Q **Thank you. I just wanted to clear that**
12 **up because I didn't remember the**
13 **timeframe myself. Thank you. That's all**
14 **I have.**

15 MR. OXENHANDLER:

16 I have no questions.

17 MR. MAYEAUX:

18 I have no questions.

19 RE-DIRECT

20 BY MS. CRAFT:

21 Q **I just have a brief. Mr. Simien, you**
22 **received -- when the commission gets**
23 **public records requests, you receive**
24 **emails from the executive director; am I**
25 **correct?**

1 A Generally, yes. We would receive an

2 email notifying us of the public request,

3 yes.

4 Q All right. Thank you, sir. That's all I

5 have.

6 (Whereupon, the taking of the witness's

7 testimony was concluded at or about 12:05

8 P.M.)

9

10

R E P O R T E R ' S P A G E

I, Jennifer Pickett, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana Code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talk overs; that same is the proper method for a Court Reporter's transcription of proceeding; that the dashes (--) do not indicate that words or phrases have been left out of this transcript; and that any words and/or names which could not be verified through reference material have been denoted with the phrase "(phonetic)."

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I, Jennifer Pickett, Certified Court Reporter in and for the State of Louisiana, Certificate No. 29011, which is current and in good standing, as the officer before whom this testimony was taken, do hereby certify that the above and foregoing was taken under the authority of R.S. 37:2554; that the foregoing was taken by the undersigned as hereinbefore set forth in the foregoing pages; that it was reported by me in the stenomask method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; and that I informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services; and that I have acted in compliance with La. Code of Civil Procedure Article 1434; that I am no actual knowledge of any prohibited employment or contractual relationship, direct or indirect, between a court reporting firm and any party litigant in this matter nor is there any such relationship between myself and a party litigant in this matter. I am not related to counsel or to the parties herein, and I am in no way concerned with the outcome thereof.

Jennifer Pickett, C.C.R.
29011

1 Errata Sheet

2

3 NAME OF CASE: CALVIN W. BRAXTON, SR. VERSUS LOUISIANA STATE TROOPERS ASSOCIATION, ET AL

4 DATE OF DEPOSITION: 09/25/2020

5 NAME OF WITNESS: Eulis Simien, Jr.

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page ____ Line ____ Reason ____

11 From _____ to _____

12 Page ____ Line ____ Reason ____

13 From _____ to _____

14 Page ____ Line ____ Reason ____

15 From _____ to _____

16 Page ____ Line ____ Reason ____

17 From _____ to _____

18 Page ____ Line ____ Reason ____

19 From _____ to _____

20 Page ____ Line ____ Reason ____

21 From _____ to _____

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