

### Transcript Bradford/Stevens 3-6-17

#### Page 1

1 Terri Lewis Stevens: Lots of work here. I have  
2 to deliver this, and I need you, if you would be so  
3 kind, is to just sign on the line that you have received  
4 it.  
5 Receptionist: And who does this go to?  
6 TLS: It goes to Mr. Bradford.  
7 Receptionist: Okay.  
8 TLS: This right here, where it says I served  
9 it.  
10 Receptionist: Today's the sixth, huh?  
11 TLS: Uh-uh. Thanks. I didn't even think about  
12 that. Can you be so kind as to print your name?  
13 James Bradford, III: Ms. Stevens, Jim Bradford.  
14 TLS: Hey, Jim Bradford.  
15 JB: Good to see you. What brings you?  
16 TLS: Motion for new trial. You all can settle  
17 this; or I mean, your boss could settle this.  
18 JB: Settle which? Which one?  
19 TLS: All of it. We know these were, all they  
20 had to do is, they had the power to expropriate from Day  
21 1. They knew that. We already talked to Rykert about  
22 it.  
23 JB: Yeah, that's true.  
24 TLS: They could do a lot of things. They know  
25 what they could do. I wasn't unwilling to settle at the

### Transcript Bradford/Stevens 3-6-17

#### Page 2

1 beginning or sell or whatever they need to do. We just  
2 need to (inaudible).  
**TOPIC CHANGE #1-The bait, to start the questioning**  
3 JB: I had a brief conversation with Jim, who is  
4 technically not your lawyer in the drainage case, about  
5 that. I don't know if he shared with you what I said.  
6 **Have a seat.** But I told him that acting sideways two  
7 summers ago.  
8 TLS: Yeah.  
9 JB: That, you know we were prepared to try to  
10 do something. And the fundamental problem is water is  
11 going to flow across your property a little bit.  
12 TLS: Not from there, it doesn't have to. We  
13 gave engineering solutions to Rykert. He's got them.  
14 JB: I've seen those. I've seen those.  
15 TLS: Not the four that we originally did. We  
16 did another one.  
17 JB: See, no one's sent me that. So if you want  
18 to send them, or have Jim, or whoever has them, send  
19 them to me, that would be fine. And I told him then  
20 that, look, if the settlement is, no water could ever  
21 traverse Terri Stevens' property, **then there's nowhere**  
**22 for us to go.**  
23 TLS: Of course there is, is what I'm saying. I  
24 don't know why the engineers can't figure that out. All  
25 they had to do is run two pipes on the south side of

### Transcript Bradford/Stevens 3-6-17

#### Page 3

1 Dove Park Road to the corner of Buras Ranch. It's deep.  
2 It's 20 right here. It's about 15 where it's entering  
3 my property. So they do need to make it about  
4 eight feet deeper. But all it means is the pipe goes  
5 like this, goes across the street until the road goes  
6 back down where it's coming out now. That's all they  
7 have to do. Two pipes secure the flow; or here's what I  
8 suggested to Rykert last week.  
9 JB: I mean, I've seen the flow across your

10 property in major storms. Two pipes is not going to be  
11 enough to get it there, I mean.  
12 TLS: No. All they have to do, no, no, no. But  
13 Rykert's already improved the Judge Tanner Pond now.  
14 The original intent of the 1956 drainage plan for Dove  
15 Park Subdivision was three-quarters of that property  
16 flowed that way, anyway.  
17 JB: The back half or back, whatever it is.  
18 TLS: Yeah. Where it floods now all the time,  
19 the road goes under water.  
20 JB: It's basically flat back there.  
21 TLS: Yeah. But it does, it drops off. The  
22 topography drops off toward Judge Tanner, and there's  
23 already a servitude across the three bird streets.  
24 There's a lateral that goes out toward that pond.  
25 JB: There's one that goes, get my orientation

### Transcript Bradford/Stevens 3-6-17

#### Page 4

1 right because I'm not looking.  
2 TLS: South of Swallow.  
3 JB: Yeah. But there's a ridge to, I'm trying  
4 to get to your north. So that would be east, right?  
5 There's a ridge to the east.  
6 TLS: No. It's low to the east, because, here.  
**TOPIC CHANGE #2-Impact of new Judge on the cases**  
7 JB: Y'all really think this ad hoc judge is  
8 going to give us any trouble?

9 TLS: I don't know. I don't know anything about  
10 him. I know the other one, and I'm certainly glad she's  
11 gone.  
12 JB: You're not the only one.  
13 TLS: Okay. So here.  
14 JB: Just so you know.  
15 TLS: So, come on. She did everything for you.  
16 She was so freaking compromised.  
17 JB: I disagree. I disagree.  
18 TLS: Holy crap. Well, because you wanted  
19 everything.  
20 JB: Well, I mean, I disagree.  
21 TLS: Yeah, anyway.

### TOPIC CHANGE #3-Penzato didn't care about your issues

22 JB: So that's your driveway.  
23 TLS: That's my driveway, which is on Maps. It  
24 should not be because it's not a public road. Judge  
25 Penzato obviously didn't know that.

### Transcript Bradford/Stevens 3-6-17

#### Page 5

1 JB: I don't think she cared.  
2 TLS: I don't think she did. I don't think she  
3 paid attention half the time. There's Swallow. Right  
4 now, there's a lateral that comes across these three  
5 streets that goes out to here. Here is, down here is  
6 where the turnaround is. And here's the Judge Tanner  
7 Pond. And this, did you look at a map? This is  
8 obviously not to scale, but this follows the low lying  
9 area to this big pond.  
10 JB: In between here and here, there's an  
11 elevation change in two feet in between here and here.  
12 TLS: Yeah. But here is where it's low because  
13 this is where Buell's property is.  
14 JB: Yeah. There's really, there's a much lower  
15 area over here, which is what you're trying to get the  
16 water to.  
17 TLS: Here's Buras.

18 JB: Right. It's out.  
19 TLS: Yeah, yeah, yeah. That's on Buell's  
20 property, because in the original plan -  
21 JB: - there's a hump here too of about a foot  
22 that you've got to cross.  
23 TLS: There wasn't supposed to be, because in  
24 the 1956 drainage plan, all of this went this way.

**TOPIC CHANGE #4-"Drainage arrows depict intended flow on 1956 plan"**

25 JB: In the 1956 drainage plan, the company

**Transcript Bradford/Stevens 3-6-17**

Page 6

1 probably never had a surveyor out there.  
2 TLS: Of course they did. There have always  
3 been surveyors. Yes, they have. Yes.  
4 JB: Okay.  
5 TLS: And we've got all sorts of maintenance  
6 documents where they had gone out and surveyed. And so  
7 they know what it is.  
8 JB: Sure, we know what it is. That's not the  
9 issue.  
10 TLS: Only 25 percent of this subdivision was  
11 ever directed toward this ditch in the 1956 plan. All  
12 I'm telling you is that's the case.  
13 JB: On that piece of paper, they have arrows  
14 that, basically, take it from Swallow this way, and from  
15 this way, this way, and from here, this way.  
16 TLS: This 25 percent, right?  
17 JB: I don't know whether it's 25 percent or  
18 not. I do remember, generally, there was arrows other  
19 than north.  
20 TLS: That's right. In the middle of the road,  
21 which meant the drainage went this way.  
22 JB: I understand what that means.  
It doesn't  
23 mean that the drainage went that way. It means that  
24 somebody planned for it to go that way. There's a  
25 difference.

**Transcript Bradford/Stevens 3-6-17**

Page 7

1 TLS: All they had to do is survey to know if  
2 it's correct. And over the years, they have changed it.  
3 And they changed it intentionally in the '90s to come  
4 and knock out the high point right there, because this  
5 was all the same elevation until after Hughes' time on  
6 this property.  
7 JB: We're not going to agree on that fact.  
8 TLS: I'm just telling you my story.  
9 JB: I know your story, and we don't agree with  
10 it. But the point of it is -  
11 TLS: So here's what I offered to Rykert the  
12 other day. If they can't figure out an engineering  
13 solution, even though we've offered them one done by a  
14 man with 40-years experience, to take it up to this  
15 corner and take it to here, which means this is pretty  
16 deep. But you take it here, you go under the street,  
17 and you end up at the same place here. This is low  
18 here. If they can't do that, they need to buy the front  
19 half of my property and put in a pond to collect all of  
20 this sewage.

**TOPIC CHANGE #5-"Speed the drainage flow thru the path"**

21 JB: Pond's not what's needed. What's needed is  
22 to get it out faster.  
23 TLS: No, no, no, no. Because it's not  
24 polluted. Rykert was at my house last week, and it  
25 stunk so badly. I mean, it would knock you out. And it

**Transcript Bradford/Stevens 3-6-17**

Page 8

1 was at my driveway that it smelled that bad, when it had  
2 already traveled 600 feet.  
3 JB: Yeah. It's going to flow all the way into  
4 a creek.  
5 TLS: It's terrible now. If you make a pond,  
6 the purpose is the pond would collect all the effluent.  
7 If the pond is subjected to sun for about a week, it  
8 starts to degrade the pollutants, and then it can be  
9 controlled so that it's only a trickle, like it should  
10 be.  
11 JB: But at the end of the day, when you have  
12 the big rains, like the ones you videoed, and the other  
13 ones that come along once every few years, it would  
14 overwhelm all of that. It would just flow through.  
15 TLS: Not if you do not, if you, A, take the  
16 bulk of it to the rear pond that he's already created,  
17 which is his intent. I do know that. This would only  
18 collect, this would probably be dry most of the time.  
19 But then in the big rain events, it would fill up. It  
20 would be a detention pond, rather a retention pond.  
21 If it was a retention pond, it would clarify  
22 what was coming into it. And then with the use of a  
23 concrete weir, which is a control device, only a small  
24 trickle would come from here and then over to Rivera's  
25 property. And then if the Rivera's, if they just put in

**Transcript Bradford/Stevens 3-6-17**

Page 9

1 a culvert or two, or three culverts, whatever they need  
2 to, so that they could create a driveway to get to the  
3 back of their lot, they wouldn't care because, by this  
4 pond, this would be clean by the time it got over to  
5 their property. But you would have to buy a servitude  
6 here, and you'd have to buy the front half of the  
7 property here. But you have to clean the water because,  
8 right now, it's a hazard. It's polluted. It's  
9 disgusting.

**TOPIC CHANGE #6-Septic tank/system maintenance results in sewage release**

10 JB: I agree that there's problems in maintenance that needs to be performed on those tanks.

**TOPIC CHANGE#7-Future Utility service as possible corrective measure-**

12 And you know, on this long term plan for that area, they  
13 would prefer to have Tammany Water or Tammany Sewer  
14 Company.  
15 TLS: I don't know. Utilities. Tammany  
16 Utilities.  
17 JB: Because they bought that from Southeast  
18 Louisiana Water and Sewer.  
19 TLS: They don't want to run that down there  
20 though.  
21 JB: This whole area, where's the closest  
22 service?  
23 TLS: Westwood.  
24 JB: Okay.  
25 TLS: Way down past, maybe the ANO property now.

**Transcript Bradford/Stevens 3-6-17**

Page 10

1 Because Brookstone and the ANO property have water and  
2 sewer. But that's, they're not going to do that in this  
3 case. We're only talking about this case.  
4 JB: I agree with you. But long term, the  
5 parish has ambitions of getting all of that under

6 control. I mean, the reality is –  
7 TLS: - by law, they're supposed to. Well, I  
8 don't know. Trump's going to dismantle the EPA now, so.  
9 JB: Who knows what Trump's going to do?  
10 TLS: Okay. So in the short term, though, if  
11 they believe they cannot stop this flow from this  
12 subdivision to my property -  
13 JB: - there's no way they can stop those heavy  
14 rains, not doing that (inaudible).  
**(Bradford attempting to get me to give up on an engineering  
solution, attempt #6)**

15 TLS: Then they have to buy a servitude. They  
16 have to buy a servitude. They have to.  
17 JB: Okay.  
18 TLS: It's public. The Constitution says you  
19 can take it. You know you can take it. You're an  
20 expropriation attorney.  
21 JB: Right.  
22 TLS: We talked about that when we first –  
**TOPIC CHANGE #8-Servitude claimed by Parish**  
23 JB: - but there's already a servitude there.  
24 TLS: No, there's not. No, there's not.  
25 JB: I disagree on that.

**TOPIC CHANGE #9-“Animus” preventing settlement or  
resolution**

That being said, I  
**Transcript Bradford/Stevens 3-6-17**  
Page 11

1 told Jim that, you know, you know, notwithstanding the  
2 animus between you and Pat Brister, which obviously  
3 there is some.  
4 TLS: That's all this is. From the beginning,  
5 from the beginning.  
6 JB: I don't think so. I don't think so.  
7 Because, you know, back in the day, when this, two  
8 summers ago, I mean, we had ambitions of trying to get  
9 that thing resolved at that mediation. Then things kind  
10 of went off the rails.  
11 TLS: It's your side that stopped the mediation.  
12 It wasn't ours. You said it in court.

**TOPIC CHANGE #10 Our “File”... used against us**

13 JB: After our file got stolen and used against  
14 us in litigation proceedings.  
15 TLS: It's not your file. It's all public  
16 records. Did you look at it?  
17 JB: Yes, I looked at it.  
18 TLS: It's all public records, and you know it  
19 is, because I've seen it too. There was no -  
20 JB: - communication between –  
21 TLS: - did you see the Eric law case that was  
22 settled in the end of January by Coady? It's not, he  
23 ruled it, and they won. It was Henton and Rabalais'  
24 communication, and it's not protected. And certainly,  
25 not protected, the redacted stuff that they redacted  
**Transcript Bradford/Stevens 3-6-17**

Page 12

1 two years before my case.  
**TOPIC CHANGE #11-Who are their legal opponents now?**  
2 JB: So Jim's completely out of this case?  
3 TLS: No, he's not. Not at all.  
4 JB: He's not completely out? He filed a motion  
5 to substitute, which by the way, no one served us a  
6 copy. I was not aware of it until a day or two ago.  
7 TLS: Judge signed it right away.  
8 JB: I know. I know. That's how I found out.

9 I didn't get a copy from the judge either. They just  
10 signed the ex parte order and left it in the record. We  
11 didn't get served a copy of that because, I assume, the  
12 judge thought we were on notice of it. I mean, I had  
13 been told Jim had given the email saying that was going  
14 to happen. For whatever reason, it fell through the  
15 cracks.

**TOPIC CHANGE #12-MSJ status**

And Louis tells me, he's reworking his summary  
16 judgment motion that he filed earlier to try to litigate  
17 the act, basically servitude issue at this point. I  
18 (inaudible) for a fact.  
19 TLS: Not aware of that.

**TOPIC CHANGE #13-Baiting, casting aspersions on legal  
representation**

20 JB: You might know less than I do because  
21 that's what he told me.  
22 TLS: And I was told you were going to file a  
23 summary judgment.  
24 JB: I want to. You know, I think we could win  
25 that. But Rykert –

**Transcript Bradford/Stevens 3-6-17**  
Page 13

1 TLS: - I definitely don't think that.  
2 JB: I know we see the case very differently,  
**TOPIC CHANGE #14-Rykert's Parish Drainage study?!**

3 obviously. Rykert has reached out to me, saying, hey,  
4 we've got this drainage study we're looking at, we're  
5 trying to find some relief for. And it wasn't focused  
6 on you as much as it was on Dove Park residents.  
7 TLS: That's right.  
8 JB: And so he's working on that, and I think  
9 that's laudable. I think that's a good thing. I mean,  
10 that theory, water just sits there.  
11 TLS: It is a good thing. That's right. That's  
12 why it needs to be pulled off to the back. And they've  
13 already improved the pond. I mean, the pond is already  
14 six times as big and six times as deep.  
15 JB: Where is that pond, exactly?  
16 TLS: South of Judge (inaudible), right across  
17 from new church.  
18 JB: Right behind the church property?  
19 TLS: Across from it. South of it.  
20 JB: Okay.  
21 TLS: And there's a weir on the back side. So  
25 right. It was the right thing to do.

**Transcript Bradford/Stevens 3-6-17**

Page 14

1 JB: Has it been built yet?  
2 TLS: Yeah, it's there now. If you drive by,  
3 you'll see.  
4 JB: I hadn't been over there in a long time.  
5 TLS: It's huge, huge. So he's got the right  
6 thing in mind.

**TOPIC CHANGE #15 Motion for New Trial “a Winner?”(not  
MSJ, as noted below)**

7 JB: Is this a winner,  
8 (note-this was erroneously noted-it was the “Motion for New Trial”  
being delivered...this was not a clarification expressed in the audio)?  
9 TLS: Yes. There's no question about that,  
10 yeah. She was wrong on every bit of that one.  
24 Transcribed by Shawn M. King on 3.6.17.