

DAVID VITTER

April 12, 1995

The Honorable Bob Livingston
United States Congressman
3901 Houma Boulevard, Suite 207
Metairie, Louisiana 70006

Dear Bob:

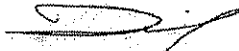
Thank you very much for your recent letter inviting me to help support the East Jefferson Parish Republican PAC with a significant contribution. I have been an active participant in and supporter of the PAC in the past, and would love to continue that support. However, one matter prevents me from doing so at this time.

Several months ago, a Ms. Mercedes Hernandez slapped me with an utterly frivolous lawsuit which continues to languish in the courts. This is a continuation of a personal vendetta against me on the part of not only Ms. Hernandez, but other persons active in the PAC specifically including John Treen and Vincent Bruno. Both Messrs. Treen and Bruno were instrumental in encouraging this harassing action. In light of this and in light of these persons' continued active involvement in the PAC, I will have nothing to do with the PAC's fundraising efforts.

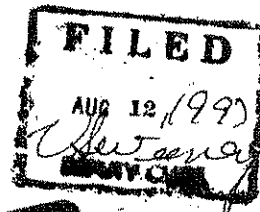
I can easily tolerate sincere disagreements with people. I can even tolerate serious disagreements which lead to litigation. But I will have nothing to do with people who pervert the judicial system to harass me, carry out a personal vendetta, and directly harm not only me but my wife and child as well.

All the best with your new responsibilities in Washington. You're doing a great job.

Sincerely,



David Vitter



DV/pae

cc: Ms. Sandy Emerson
Mr. Paul Dastugue
Mr. David Treen

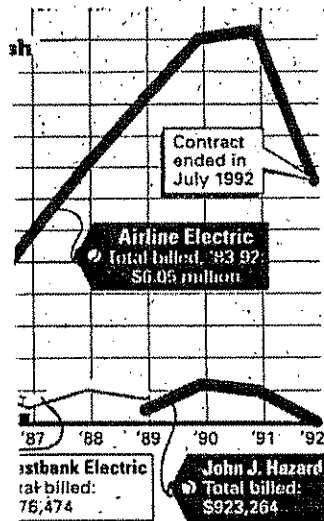


#454-756

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INATING GHT REPAIRS

etlight repair bill exploded
ctric began working for the
85, records show



ent STAFF GRAPHIC BY SUSAN SHOAF

irs probed

were called in to Airline Electric. Connick said he wondered how residents knew to call Airline Electric instead of the parish.

When Connick asked Burke to send the parish invoices and bills for the \$1.7 million it apparently owed, Burke refused. Connick said he was mystified that Burke "wasn't hollering and pushing for payment on a \$1.7 million bill." Connick said parish efforts to sort out the mess with Burke collapsed, and both parties agreed to cancel the contract.

The parish then turned over its report to Mamoulides, Connick said. The district attorney also requested all parish documents associated with its streetlight repair account, and invoices, bills, and checks concerning Airline Electric, Connick and others said.

In February, Mamoulides' office charged Burke with theft over \$500. Since then, both Burke and his attorney, Ralph Capitelli, have declined to comment on the case.

Burke is a member of the "President's Club," an exclusive group of Yenni's supporters, and has contributed \$4,950 to Yenni's campaign since 1990, records show.

Gay bill

From B-1

tions Committee approved 4-0 Senate Bill 918 by Sen. Marc Morial, D-New Orleans, but refused to approve changes he offered that could make it more acceptable to the full Senate.

The bill could be taken up on the floor Sunday.

Some lawmakers viewed the rejection of Morial's softening amendment as a possible ploy to kill the bill by making it too strong. However, Morial can offer the same changes on the floor.

The amendment would have exempted private and religious schools and institutions from hiring gays and would have made the bill apply only to businesses with eight or more employees.

Morial and Charles Jones, D-Monroe, voted for the amendment. Chairman Mike Cross, D-Baker, and Joseph Sevario, D-Prairieville, voted against it.

As it left the committee, the bill would forbid private schools and religious institutions to discriminate in hiring and promotion and would apply to businesses with 15 or more workers.

"This bill is very simple, very concise, very fundamental," Morial said. "It says we do not, we cannot, we will not and we shall not tolerate discrimination based on sexual orientation."

The bill would expand existing law, which bans discrimination in employment, financial practices, credit transactions and public accommodations based on race, creed, color, sex, age, religion or national origin to include "sexual orientation."

The bill was endorsed by several religious groups, including Associated Catholic Charities in New Orleans, the AFL-CIO and lawyer Ginger Berrigan, who is being considered by President Clinton for a federal judgeship in New Orleans.

"Jesus said nothing about homosexuality, celibacy or the single life," said the Rev. Steve Crump, a Baton Rouge Unitarian minister and a proponent of the bill. "People suffer today from overt harassment because of their sexual orientation."

Teodore Aupin Jr. of Lafayette, father of a successful gay beauty products entrepreneur who has moved out of the state, said his son was taunted out of school 15 years ago because of his sexual orientation.

"As elected officials, you must

ROLL CALL

How New Orleans area House members voted on motion to table (kill) HB 1013, which would bar discrimination because of sexual orientation.

FOR

Accardo, LaPlace
Bowler, Harahan
Brunesu, New Orleans
Destugue, Jefferson
Daano, Mandeville
Donelon, Metairie
Hand, Kenner
Krieger, Slidell
Lancaster, Metairie
Odinet, Arabi
Patti, Belle Chasse
Schneider, Slidell
Strain, Abita Springs
M. Theriot, Raceland
S. Theriot, Marrero
Toomy, Gretna
Warner, Chalmette
Windhorst, Terrytown

AGAINST

Alario, Westwego
Alexander, New Orleans
Armstrong, New Orleans
Carter, New Orleans
Chalson, Destrehan
Copelin, New Orleans
Favre, New Orleans
Forster, New Orleans
Green, Harvey
Irons, New Orleans
Landrieu, New Orleans
Morrell, New Orleans
Murray, New Orleans
Pratt, New Orleans
Quezalre, Donaldsonville
Vitter, Metairie

ABSENT/NOT VOTING

Ansardi, Kenner

protect all the people from discrimination and harm," he said. "Gay people are everywhere. As a parent, I beg of you, I plead with you and I insist you pass this legislation to protect our children."

The bill was opposed by the Louisiana Association of Business and Industry and conservative religious groups.

The Rev. Cary Kimbrell, a Baton Rouge Baptist minister, said gays engage in "sinful acts like sodomy. God will not like a people, a nation or a person who violates His word."

Business officials said they opposed the bill because it would be impossible for personnel managers to ask questions about someone's sexual proclivities and practices.

Mr. Bone

From B-1

club circuit as any local hawk.

He seemed to be ever on an outdoor stage. On an outdoor stage, in Chenier one minute, in with John Mooney the night, he would be on at Beausoleil at Tipitina's.

He played with Room Blues, Zachary Richa Dirty Dozen Brass Band, maine Neville, Snooks Boozoo Chavis, Bonni—the list is endless.

"Isn't it funny and ridiculous he said in 1991. 'I guess me play because I know play such an interesting ment. And it adds some the music. If it didn't, thing, I doubt if they'd h thing to do with me.'"

The instrument is specifically, polished bones, the precursors to spoons and part of the unusual ensemble of folk instruments.

He had first seen the traveling minstrel show '30s and he played them 'titude for jitterbugging vorite dance but an ac had surrendered years health.

He locked the bones fingers and flailed his create a polyrhythmic, backbeat well suited to pated, driving beat of zy the blues.

"It's nothing but the said of his technique."

"He was the best bor I ever saw," blues m Mooney said. "There w thing he couldn't play."

Mooney first met Mr. 1979 in a Boston pub sion. Over the years th together dozens of times

"He'd just walk up

Ad S

Up and

By MARTIN COVERT
Advertising Reporter

RESERVE N

K-Paul's Loui

NEW ORLEANS

4-1
#454-756
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Friday, April 30, 1993

Macedonia @ 0111 00 0000

House acts quickly to kill gay rights bill

By HAYES FERGUSON
and ED ANDERSON
Capital bureau

BAYON ROUGE — The House lost no time Thursday in killing a bill that would have made it illegal for employers or insurers to discriminate on the basis of sexual orientation.

The House voted 71-34 to table House Bill 1013, which last week became the first gay rights legislation to advance in the

Louisiana Legislature when it was approved by the Labor and Industrial Relations Committee. The vote effectively kills the bill for this session.

Rep. Jim Donelon, R-Metairie, who moved to table the measure, said he feared it would allow people who are fired due to incompetence to sue, claiming they were fired because they are gay.

"It's not going to change employment practices," Donelon said. "It's going to ad-

versely affect employers throughout the state."

The bill's sponsor, Rep. Troy Carter, D-Alger, said he was disappointed his colleagues opted to sink the measure in a procedural move, instead of voting on the issue itself.

"This bill could have been heard, but we had to go the parliamentary route without giving it full debate," he said.

The bill did not condone homosexuality, Carter said. "It merely attempts to em-

phasize that one's ability to be a productive member of the workforce is independent of one's sexual orientation."

Earlier Thursday, a Senate committee voted to send an even stronger gay rights bill to the Senate floor. But the overwhelming negative vote in the House would appear to doom any such legislation at this session.

The Senate Labor and Ind-

See G

Police
extort the
scandal
heats up
Jury indicts
two brothers

By CHRISTOPHER COOPER
Staff writer

A former New Orleans patrolman accused of setting up an elaborate system to extort protection payments from an eastern New Orleans massage parlor was indicted on four counts of public bribery Thursday by a state grand jury.

The panel also indicted Kenneth Bibbins for conspiracy to commit public bribery and with carrying a concealed gun.

Tragedy averted



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24/c

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON
STATE OF LOUISIANA

NO. 454-756

DIVISION "B"

MARY MERCEDES HERNANDEZ
VERSUS
DAVID B. VITTER AND ABC INSURANCE COMPANY

COPIED
Transcribed by M. Simpson

FILED: _____
DEPUTY CLERK

SATISFACTION OF JUDGMENT

Dol

WHEREAS, a Judgment was rendered and signed by the 24th Judicial District Court, Parish of Jefferson, State of Louisiana, on November 10, 1997, in favor of the plaintiff, Mary Mercedes Hernandez, and against the defendant, David B. Vitter, condemning the defendant to pay to the plaintiff the sum of Fifty dollars (\$50.00) plus all costs and interest from date of judicial demand until paid.

WHEREAS, the aforesaid Judgment has now been fully satisfied by the defendant;

WHEREFORE, satisfaction of judgment is hereby acknowledged; and the Clerk of the 24th Judicial District Court is hereby authorized by the plaintiff, by and through undersigned counsel, to mark the docket satisfied in this matter and to otherwise cancel and discharge the Judgment, upon payment of all costs by the defendant.

Gretna, La., this 9th day of March, 1998.

Tranahelle W. Simpson
CLERK OF COURT
24th Judicial District Court

Respectfully submitted,

HARVEY, JACOBSON & CORRINGTON

Robert G. Harvey, Sr.

Robert G. Harvey, Sr.
2222 Canal St.
New Orleans, La. 70119
(504) 822-2136
Counsel for Plaintiff,
Mary Mercedes Hernandez

3-4-98
I, HEREBY CERTIFY THAT ALL
COSTS INCURRED IN THIS MATTER
HAVE BEEN PAID.

J. W. Simpson
10305 10305 10305 10305 10305
Dec 4 1998
at 1.25 at counter

CODED-9

DIV. B
JUDGE

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 454-756

MARY MERCEDES HERNANDEZ

VERSUS

DAVID B. VITTER and ABC INSURANCE COMPANY

DIVISION "A"
FILED FOR RECORD
OCT 10 1993
PARISH OF JEFFERSON, LA

FILED: _____ DEPUTY CLERK

PETITION FOR DAMAGES

The petition of MARY MERCEDES HERNANDEZ, a person of the full age of majority domiciled in the Parish of Jefferson, State of Louisiana, with respect represents that:

1.

The following named parties are made defendant herein:

- A. DAVID B. VITTER, a person of the full age of majority domiciled in the Parish of Jefferson, State of Louisiana; and
- B. ABC INSURANCE COMPANY, a foreign or domestic insurance company authorized to do and doing business in the Parish of Jefferson, State of Louisiana.

2.

On September 21, 1993, petitioner, MARY MERCEDES HERNANDEZ, attended a "town hall meeting" held by the defendant, State Representative DAVID B. VITTER, at 7:00 o'clock p.m. at the American Legion Hall, 2431 Metairie Road, Metairie, Jefferson Parish, Louisiana. Petitioner, and other constituents of the defendant, had been solicited and invited to attend the meeting by the defendant "to discuss state issues."

3.

During the question and answer portion of the meeting, petitioner asked the defendant to explain the intent of the "Gay Rights Bill" which had been introduced at the last Regular Session of the Louisiana Legislature.

ISSUED at/Pet
 CODED DATE 10-4-93
JG
 Deputy Clerk

an

4.

For reasons unknown to petitioner, defendant became agitated and enraged by petitioner's question, left the podium where he was standing, advanced toward petitioner in a rapid, threatening manner, pushing aside chairs which were in his path, and grabbed a portable tape recorder belonging to petitioner which she was holding in her right hand, forcibly wrenching it from her grasp.

5.

As a result of the unprovoked attack upon petitioner by the defendant, DAVID B. VITTER, petitioner sustained injuries to her right hand, the nature and extent of which will be shown at the trial of this matter, and damages, including but not limited to the following:

- A. Physical pain and suffering, past, present and future;
- B. Mental pain and suffering, past, present and future;
- C. Medical expenses, including, but not limited to physicians' fees;
- D. Loss of enjoyment of life and/or lifestyle;
- E. Loss of earnings;
- F. Loss of earning capacity;
- G. Hedonic damages.

6.

ABC INSURANCE COMPANY is liable unto petitioner by virtue of the issuance of a policy or policies of insurance, which policy or policies provide liability coverage to the defendant, DAVID B. VITTER, for the incident sued upon herein.

WHEREFORE petitioner, MARY MERCEDES HERNANDEZ, prays that a copy of the above and foregoing petition be duly served upon defendants, DAVID B. VITTER and ABC INSURANCE COMPANY, and, after due proceedings had, there be judgment herein in favor of your petitioner, MARY MERCEDES HERNANDEZ, and against defendants, DAVID

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B. VITTER and ABC INSURANCE COMPANY, jointly, severally and/or in
solido, for damages as are reasonable in the premises.

FURTHER, your petitioner, MARY MERCEDES HERNANDEZ, prays
that defendants be condemned to pay all costs and that all expert
fees, travel expenses and depositions be taxed as costs herein.

FURTHER, your petitioner, MARY MERCEDES HERNANDEZ, prays
for all general and equitable relief.

Respectfully submitted:



CHARLES J. ROMANO
LSBA# 11437
3901 N. I-10 Service Road
Suite H257
Metairie, LA 70002
504/885-1138

Attorney for Plaintiff

PLEASE SERVE:

David B. Vitter
120 E. Oakridge Pk.
Metairie, LA

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 454-756

MARY MERCEDES HERNANDEZ

DIVISION "B"

versus

DAVID B. VITTER AND ABC INSURANCE COMPANY

FILED: _____

DEPUTY CLERK

ANSWER AND RECONVENTIONAL DEMAND

NOW INTO COURT, through undersigned counsel, comes defendant and plaintiff in reconvention, David B. Vitter, who in response to the allegations of the plaintiff, Mary Mercedes Hernandez, responds as follows:

1.

The defendant admits his majority and residency but otherwise denies the allegations of Paragraph 1 of the Petition.

2.

In response to Paragraph 2 of the Petition, defendant admits that a town hall meeting was held at the American Legion Hall, in Metairie, Louisiana on or about September 21, 1993 and that the plaintiff was in attendance for a brief period of time but denies the remainder of the allegations as written.

3.

Defendant denies the allegations of Paragraph 3 as written.

4.

Defendant emphatically denies all allegations contained in Paragraph 4 of the Petition.

5.

The allegations of Paragraph 5 of the Petition are denied, individually and singularly.

6.

Defendant denies the allegations of paragraph 6 of the Petition; alternatively, if a policy of insurance providing coverage to him was in effect on the date of the event in question, such document is a written

Adams and Reese
Attorneys and Counselors
At Law
New Orleans, La.

ISSUED

DATE

12-2-93

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FILED 1993 APR 22 AM 7 33

instrument which itself provides the best evidence of its terms, conditions and limitations.

AND NOW, in further response to the Petition of the Plaintiff, the defendant avers as follows:

7

The incident made the basis of the plaintiff's Petition did not occur as plaintiff has averred. To the contrary, it was plaintiff who unsuccessfully attempted to provoke the defendant to action, an invitation which he refused.

8.

Defendant avers that at all times relevant to the events in question, that he acted in an appropriate, reasonable and responsible manner, and he emphatically denies any intent to cause physical contact, or the apprehension of physical contact on the date of the incident at issue.

9.

Alternatively, in the event that this Court finds that there was physical contact between the defendant and the plaintiff, defendant asserts that any contact was incidental and not the type of contact which would normally lead to harm.

10.

Further, defendant avers that the plaintiff sustained no injuries or damages as a result of the alleged events in question.

11.

In the further alternative, defendant avers that the sole and proximate cause of any damages sustained by the plaintiff, which damages are expressly denied, is any and all of the individual acts of negligence of the plaintiff, including, but not limited to her failure to act as a reasonable or prudent person would have acted under like circumstances, as well as such other acts of negligence which will be established at the trial thereof.

12.

In the further alternative, defendant specifically pleads the comparative negligence and assumption of risk by the plaintiff in mitigation or in reduction of any damages recoverable by the plaintiff, which damages have been expressly denied.

13.

In the final alternative, defendant avers that plaintiff has failed to mitigate her alleged damages.

14.

Defendant, David B. Vitter, prays for trial by jury on all issues in connection with this litigation.

RECONVENTIONAL DEMAND

AND NOW, assuming the position of plaintiff in reconvention, defendant, David B. Vitter, with respect represents as follows:

1.

Made defendant in reconvention is Mary Mercedes Hernandez, a person of full age of majority and domiciled in the Parish of Jefferson, State of Louisiana.

2.

Mary Mercedes Hernandez is indebted to defendant, David B. Vitter, for damages incurred and for all costs of these proceedings, by reasons of the following:

3.

Ever since the 1991 District 81 State Representative campaign in which Mr. Vitter won in a landslide against Ms. Hernandez and one (1) other candidate, Ms. Hernandez has acted in an extremely bitter and acrimonious manner toward Mr. Vitter.

4.

On Tuesday evening, September 21, 1993, Ms. Hernandez attended a Town Hall Meeting of Mr. Vitter at the American Legion Hall, Post 175, 2431 Metairie Road, Metairie, Louisiana. At this meeting, Ms. Hernandez gained the floor and used the opportunity to spread false, malicious and damaging information about Mr. Vitter, particularly concerning his voting record with regard to gay rights. After allowing Ms. Hernandez to have her full say, Mr. Vitter responded to the false accusations, in the process making clear the falsity and shallowness of the accusations. The overall result was that Ms. Hernandez humiliated herself, causing the audience to clearly turn against her disruptive tactics.

5.

Following the September 21, 1993 Town Hall Meeting, wherein Ms. Hernandez tried to damage Mr. Vitter politically by spreading falsehoods about his voting record but in fact humiliated herself, Ms. Hernandez developed the false, malicious and damaging story that Mr. Vitter rushed upon her, pushing away chairs, and physically attacked her, causing her significant injury. She repeated this false version of events to numerous persons in an attempt to embarrass Mr. Vitter and cause him political damage.

6.

In this conscious and vindictive effort to embarrass Mr. Vitter and cause him political damage by spreading utterly false, malicious, and damaging accusations against him, Ms. Hernandez approached two (2) separate audiences. First, she attempted to spread these falsehoods to the general public, including Mr. Vitter's voting constituency, through communications with the press. Second, Ms. Hernandez personally approached numerous persons active in the Jefferson Parish Republican Party to try to hurt Mr. Vitter in this specific circle.

COMMUNICATIONS WITH THE PRESS

7.

On or about September 23, 1993, Ms. Hernandez spoke with a reporter for Gambit newsweekly. She repeated the false, malicious and damaging accusations against Mr. Vitter referenced above. These were incorporated into a September 27, 1993, Gambit article about the controversy.

8.

On or about October 1, 1993, Ms. Hernandez contacted The Times-Picayune and again communicated these false, malicious, and damaging accusations against Mr. Vitter referenced above, as well as the fact that she had filed a lawsuit against Mr. Vitter. She also claimed that she had contacted the Jefferson Parish Sheriff's Office regarding criminal charges against Mr. Vitter but "asked them not to arrest him." This material was included in an October 2, 1993 Times-Picayune article about the controversy.

9.

On or about October 1, 1993, Ms. Hernandez contacted numerous other members of the media and again communicated the false, malicious,

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and damaging accusations against Mr. Vitter referenced above. On information and belief, Ms. Hernandez or her representative contacted WWL-TV Channe 4 (New Orleans), WDSU-TV Channel 6 (New Orleans, and WVUE-TV Channel 8 (New Orleans). Her false information was incorporated into reports about the controversy carried on at least two (2) of the above stations as part of their October 1, 1993, evening news broadcasts.

COMMUNICATIONS WITH REPUBLICAN LEADERS

10.

Within forty-eight (48) hours of the September 21, 1993, Town Hall Meeting, Ms. Hernandez contacted active members of the Jefferson Parish Republican Party who were politically aligned with her and generally opposed to Mr. Vitter to enlist their support in her vindictive campaign. These persons specifically included Mr. John Treen, Mr. Vincent Bruno, and Ms. Peggy Childers.

11.

On or about September 23, 1993, Mr. Vincent Bruno, acting on behalf of Ms. Hernandez, telephoned Mr. Roger Villere, Republican Party PAC Chairman for District L. Mr. Bruno communicated the false, malicious, and damaging accusations against Mr. Vitter referenced above and invited Mr. Villere to a meeting to discuss action which Mr. Villere as a party leader could take to publicly reprimand Mr. Vitter.

12.

Approximately one week later, Ms. Hernandez telephone Mr. Villere to repeat the false, malicious, and damaging accusations and to again try to press Mr. Villere into making some sort of public reprimand of Mr. Vitter.

13.

On or about October 1, 1993, Ms. Hernandez again telephoned Mr. Villere to tell him that she would like to deliver to him a copy of her lawsuit against Mr. Vitter, which she did.

14.

On or about September 23, 1993, Ms. Hernandez telephoned Mr. Richard A. Legendre, District Representative for Congressman Bob Livingston, to again communicate the false, malicious and damaging accusations against Mr. Vitter referenced above. She also paid a personal visit to Mr. Legendre at Congressman Livingston's Metairie Office, the Heritage Plaza Building, 111 Veterans Memorial Blvd., Suite 700, Metairie,

Louisiana, to recount the same information and to state in clear and strong terms that she thought Congressman Livingston should know about the alleged outrageous assault.

15.

On or about September 22, 1993, Ms. Peggy Childers, acting on behalf of Ms. Hernandez, telephoned Ms. Shirley Giambelluca, an active Republican and the wife of Jefferson Parish Councilman Nick Giambelluca. She spoke to Mr. Giambelluca and communicated to him the false, malicious and damaging accusations against Mr. Vitter referenced above. She may have also urged some public action on the part of Mr. Giambelluca or other prominent Republicans against Mr. Vitter.

16.

Upon information and belief, on several occasions prior to the September 21, 1993, Town Hall Meeting in question, Ms. Hernandez contact Ms. Sally Campbell, a Republican State Central Committee member from St. Tammany Parish and a leader of the Christian Coalition wing of the Republican Party. She tried to turn Ms. Campbell against Mr. Vitter, making allegations that he was an advocate of gay rights and the like. She also specifically pushed the proposal that the Christian Coalition send out a letter to its extensive membership criticizing Mr. Vitter on certain points and disassociating itself from Mr. Vitter.

17.

Upon information and belief, within approximately one (1) week of the September 21, 1993 Town Hall Meeting in question, Ms. Hernandez approached Ms. Campbell in the Stein Mart store on Veterans Memorial Boulevard, Metairie, Louisiana, and communicated the false, malicious and damaging accusations against Mr. Vitter referenced above, continuing the campaign to try to turn Ms. Campbell against Mr. Vitter. Several days after this encounter, Ms. Hernandez telephoned Ms. Campbell and continued the defamatory assault against Mr. Vitter.

18.

The statements made by Mary Mercedes Hernandez regarding the actions of plaintiff in reconvention were false, and were made by the defendant with malice, and resulted in actual injuries to David Vitter. Such statements caused Mr. Vitter to suffer mental anguish, deprived him of public confidence and injured his reputation as a result of which,


plaintiff in reconvention is entitled to such damages as are reasonable in the premises.

WHEREFORE, defendant prays that the above Answer be deemed good and sufficient and, that after due proceedings are had herein, that there be judgment in his favor and against the plaintiff, Mary Mercedes Hernandez, dismissing the Petition of the plaintiff with prejudice and at her sole costs, for trial by jury and for all general and equitable relief.

WHEREFORE, plaintiff in reconvention, David B. Vitter, prays that defendant in reconvention, Mary Mercedes Hernandez, be duly served with a copy of this Reconventional Demand, and that she be required to respond to the same within the time permitted by law, and that following due proceedings herein, that there be judgment in favor of plaintiff in reconvention and against Mary Mercedes Hernandez, for such damages as are reasonable in the premises, along with all court costs, expert fees and interest from date of judicial demand. Plaintiff in reconvention further prays for trial by jury and all general and equitable relief.

Respectfully submitted,

ADAMS AND REESE


 PHILIP O. BERGERON #2988
 4500 One Shell Square
 New Orleans, LA 70139
 Telephone: (504) 581-3234
 Attorney for David B. Vitter

PLEASE SERVE:

Mary Mercedes Hernandez
 through her attorney of record,
 Charles J. Romano
 3901 N. I-10 Service Road, Suite H257, *Crossroad Apts.*
 Metairie, Louisiana 70002

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served on all counsel by placing same in the U.S. Mail, postage paid, this 22nd day of November, 1993.


 PHILIP O. BERGERON

Adams and Reese
 Attorneys and Counselors
 At Law
 New Orleans, La.

*add Crossroad Apts
 to Service Instructions
 as per sectry
 11-25-93*

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF
STATE OF LOUISIANA

NO. 454-756

MARY MERCEDES HERNANDEZ

VERSUS

DAVID B. VITTER AND ABC INSURANCE COMPANY

CODED
FILED FOR RECORD
SECTION 4 P. 3 45
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

FILED:

DEPUTY CLERK

ANSWER TO RECONVENTIONAL DEMAND

NOW INTO COURT, through undersigned counsel, comes plaintiff and defendant in reconvention, MARY MERCEDES HERNANDEZ, who in response to the allegations of defendant and plaintiff in reconvention, David B. Vitter, responds as follows:

1.

Paragraph 1 is admitted.

2.

Paragraph 2 is denied.

3.

Paragraph 3 is denied.

4.

In response to Paragraph 4 of the Reconventional Demand, defendant in reconvention admits that she attended a Town Hall Meeting held by Plaintiff in Reconvention at the American Legion Hall, Post 175, 2431 Metairie Road, Metairie, Louisiana, on Tuesday evening, September 21, 1993 but denies the remainder of the allegations of Paragraph 4 as written.

5.

Paragraph 5 is denied as written.

6.

Paragraph 6 is denied as written.

7.

Paragraph 7 is denied as written.

8.

Paragraph 8 is denied as written.

9.

Paragraph 9 is denied as written.

10.

Paragraph 10 is denied as written.

11.

Paragraph 11 is denied for lack of information sufficient to justify a belief as to the truth thereof.

12.

Paragraph 12 is denied as written.

13.

In response to Paragraph 13 of the Reconventional Demand, defendant in reconvention admits that she delivered a copy of her lawsuit to Mr. Villere but denies the remainder of Paragraph 13 as written.

14.

In response to Paragraph 14 of the Reconventional Demand, defendant in reconvention admits that she paid a visit to Mr. Legendre at Congressman Livingston's Metairie Office and that she telephoned him, but denies the remainder of the allegations of Paragraph 14 as written.

15.

Paragraph 15 is denied for lack of information sufficient to justify a belief as to the truth thereof.

16.

Paragraph 16 is denied as written.

17.

Paragraph 17 is denied as written.

18.

Paragraph 18 is denied.

AND NOW, in further response to the Reconventional Demand of defendant and plaintiff in reconvention, the plaintiff and defendant in reconvention avers as follows:

19.

Plaintiff in reconvention ("Rep. Vitter") is, and at all times relevant hereto, was a public official and/or a public figure.

20.

Defendant in reconvention ("Mary Hernandez") is, and at all times relevant hereto, was one of Rep. Vitter's constituents. She attended the Town Hall Meeting at his invitation, contained in a publication entitled "Representative David Vitter, Legislative Report", which was mailed to "The Hernandez Family, 648 Elmeer Avenue, Metairie, LA 70005." Mary Hernandez and her 87 year old invalid mother reside at that address which is located in State Representative District 81, Rep. Vitter's district.

21.

Mary Hernandez attended the Town Hall Meeting because she is a concerned citizen, vitally interested in public issues. She is a conservative Republican and a very active member of the Jefferson Parish Republican Party.

22.

During the question and answer portion of the Town Hall Meeting Mary Hernandez, after being duly recognized, asked Rep. Vitter, in a calm and courteous manner to explain the "Gay Rights Bill" which had been introduced at the last Regular Session of the Louisiana Legislature and his position with respect thereto, as she had heard that he was a co-author of the bill.

23.

For reasons unknown to Mary Hernandez, Rep. Vitter became agitated and enraged by her question, left the podium where he was standing, advanced toward her in a rapid, threatening manner, pushing aside chairs which were in his path, and grabbed a portable tape recorder belonging to petitioner which she was holding in her right hand, forcibly wrenching it from her grasp, injuring her hand in the process.

24.

After being assaulted and battered by Rep. Vitter in front of scores of people, Mary Hernandez struggled to keep her composure and, after a few minutes, left the meeting. She then proceeded to a nearby restaurant where she met a friend, Ms. Peggy Childers, who was seated next to her at the meeting and witnessed the entire incident.

25.

Mary Hernandez began to cry because of the emotional trauma to which she was subjected by the outrageous conduct of Rep. Vitter. Ms. Childers tried to console her and suggested that she call Mr. John Treen, a friend and a very prominent and respected member of the Republican Party, for advice, which she did. Mr. Treen agreed to meet with her the next evening, September 22, 1993, to further discuss the matter.

26.

On the evening of September 22, 1993, Mary Hernandez, Mr. Treen, Ms. Childers and several other persons, including Mr. Vincent Bruno, the Vice-Chairman of the Jefferson Parish Republican Party, who had been invited to the meeting by Mr. Treen.

27.

Those in attendance at the meeting were appalled to hear that Rep. Vitter had assaulted and battered a female constituent and recommended that the incident be immediately called to the attention of the law enforcement authorities, the Republican Party and the public, i.e., all parties were of the opinion that Rep. Vitter, as a public official, should be held fully accountable for his behavior and that the public had a right and a need to know about Rep. Vitter's disturbing propensity to lose his temper and abuse people for no apparent reason. Mr. Bruno agreed to contact Mr. Roger Villere, Republican Party PAC Chairman for District I about the incident. Ms. Childers agreed to contact Mr. Nick

Giambelluca about the incident. Mr. Giambelluca, along with Ms. Childers, was an eye witness to the incident.

28.

Following the meeting, Mary Hernandez employed the undersigned as her legal counsel. She also, later in the evening, contacted the Jefferson Parish Sheriff's Department to file a complaint against Rep. Vitter for assault and battery. The Sheriff's Office responded by dispatching an officer to her home at approximately 1:00 o'clock a.m. on September 23, 1993. After she related the facts to the officer, he asked for Rep. Vitter's address so that he could be arrested. Mary Hernandez, out of compassion for Rep. Vitter's family, asked that Rep. Vitter not be arrested but simply served with a criminal citation later that day. The officer explained to her that this was not the procedure of the Sheriff's Office and, if she swore out a complaint, he would have to arrest Rep. Vitter immediately. She then declined to swear out the complaint and told the officer she would be in touch with him at a later time.

29.

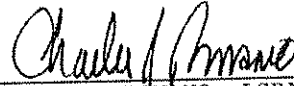
Mary Hernandez prepared a press release for distribution to the media in Jefferson and Orleans Parish to make the public aware of the outrageous behavior of Rep. Vitter and instructed her legal counsel to immediately file a civil suit for recovery of her damages from Rep. Vitter. She provided a copy of her press release and her lawsuit to the media and to prominent members of the Republican Party in Jefferson Parish, including her Congressman, United States Representative Bob Livingston, with a request that Rep. Vitter be censured for his conduct.

30.

All statements made by Mary Hernandez regarding the actions of Rep. Vitter were true and were made without malice in the lawful exercise of the right of free speech guaranteed to her by Article I of the Constitution of the United States of America.

WHEREFORE, defendant in reconvention prays that the above Answer be deemed good and sufficient and, that after due proceedings are had herein, that there be judgment in her favor and against the plaintiff in reconvention, David B. Vitter, dismissing the Reconventional Demand of plaintiff in reconvention with prejudice and at his sole cost and for all general and equitable relief.

Respectfully submitted,



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Suite H257
Metairie, LA 70002
504/885-1138
Attorney for Mary M. Hernandez

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served on all counsel by placing same in the U.S. Mail, postage paid, this 2nd day of February, 1994.



CHARLES J. ROMANO