



# LOUISIANA DEPARTMENT OF EDUCATION

March 31, 2016

J Arthur Smith, III  
830 North Street  
Baton Rouge, Louisiana 70802  
Via email: [jasmith@jarthursmith.com](mailto:jasmith@jarthursmith.com)

RE: Deshotel v. White, et al  
19<sup>th</sup> JDC, Docket # 638,503 - Section 27

Dear Mr. Smith,

After careful consideration, the Department of Education has decided to provide an unsuppressed copy of the October 2014 Multi-Stats Report to Michael Deshotels and to pay him nine thousand two hundred ninety two dollars and seventy four cents (\$9,292.74) for attorney's fees and litigation expenses pursuant to Judge Hernandez's Judgment.

By complying with those portions of the Judgment, in lieu of appeal, the Department is not admitting fault. The Department maintains that the Judgment is contrary to law and evidence, and that FERPA, La R.S. 17:3914, and guidance from the United States Department of Education require suppression and support our suppression techniques. We remain committed to protecting student privacy.

After reviewing your letter to Judge Hernandez dated March 29, 2016, we disagree with your assertion that our Petition for Suspensive Appeal is untimely. The order denying our motion for new trial specifically called for a judgment to be submitted to the court. As such, our Petition for Suspensive Appeal was timely whether the injunction granted was permanent or preliminary.\* Additionally, we maintain this Judgment was a permanent injunction as a hearing on the merits was had, the hearing was not held pursuant to La CCP article 3602, and it was a final judgment.

In light of the foregoing, it is our intention to pursue our appeal from the portion of the Judgement imposing fines against the Department for being arbitrary and capricious. Please telephone or write if you have any questions.

Sincerely,



G.M. Millet, Jr.

Attachment: Oct 2014 Multi stats (Elem-Sec by Site) – Internal (*via email only*)

\* See: Barlow v. Town of Waterproof, 45,211 (La. App. 2d Cir. 05/19/10), 39 So. 3d 768

**Louisiana Believes**