

STATE OF LOUISIANA ~ PARISH OF OUACHITA

FOURTH JUDICIAL DISTRICT COURT

JEFF MERCER, LLC

FILED: SEP 27 2019

VERSUS NO. 07-3151 CV. SECT. 3

STATE OF LOUISIANA, THROUGH THE
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT, WILLIS JENKINS,
JOHN H. EASON AND PAM
HIGGINBOTHAM

DeAnna Albritton

DEPUTY CLERK OF COURT

PETITION TO ANNUL JUDGMENT

NOW INTO COURT, through undersigned counsel, comes JEFF MERCER, LLC, a Louisiana limited liability company, domiciled in Richland Parish, Louisiana, who respectfully represents as follows:

1.

Named as defendants herein are:

- a) STATE OF LOUISIANA, THROUGH THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, through the Attorney General, Jeff Landry, 1885 North 3rd Street, Baton Rouge, LA 70802;
- b) WILLIS JENKINS, 304 Garfield Drive, Monroe, LA 71203;
- c) JOHN EASON, Louisiana Department of Transportation and Development, District 5 Headquarters, 8010 Desiard Street, Monroe, LA 71203;
- d) MICHAEL MURPHY, Louisiana Department of Transportation and Development, District 4 Headquarters, 3339 Industrial Drive, Bossier City, LA 71112; and
- e) BARRY LACY, Louisiana Department of Transportation and Development, Headquarters, Office of Engineering, Construction Division, 1201 Capital Access Road, Room 510K, Baton Rouge, LA 70802.

2.

On December 4, 2015, a unanimous twelve (12) person jury of Ouachita Parish citizens held the Louisiana Department of Transportation and Development and Civil Engineers Michael Murphy, John Eason, and Barry Lacy and Inspector Wilson Jenkins liable for destroying Jeff Mercer, LLC, awarding a total verdict of \$20 million. A Judgment was rendered in the case on February 10, 2016.

CASE ASSIGNED TO.
CV. SECT. 3

3.

The Louisiana Department of Transportation and Development and individual defendants appealed the verdict to the Second Circuit Court of Appeal. Chief Judge Henry N. Brown, Jr. sat on the panel, and in fact, wrote the opinion of the court, reversing the unanimous jury verdict, finding as improper a jury instruction that had never been objected to by defendants. Judge Brown and the panel (Judges Jeff Cox and Jeanette Garrett) then conducted a de novo review, despite a myriad of factual disputes in the recorded testimony, and dismissed Mercer's claims, "reversing and rendering" the case. The Second Circuit decision was filed June 7, 2017. On December 5, 2017, the Louisiana Supreme Court denied writs.

4.

Chief Judge Henry N. Brown, Jr. failed to disclose to the parties, prior to oral argument and prior to writing the opinion overturning the unanimous jury verdict, that his father, Henry N. Brown, Sr., had been a civil engineer for forty-four (44) years for the State of Louisiana Transportation Department in the same Shreveport area where much of the activity in the Mercer case had occurred and where Michael Murphy, one of the individual defendants works for the DOTD. Based on information obtained from Jennifer L. Brown, who was Judge Brown's former permanent, supervising law clerk at the time and now general counsel for the Second Circuit, pursuant to public records request on July 23, 2019, Judge Brown admitted to her that he "would have challenged it (the recusal), too." This statement indicated Judge Brown's own recognition of the appearance of impropriety by his sitting on the Mercer case in these circumstances.

5.

On October 1, 2018, Chief Judge Henry N. Brown, Jr. resigned/retired from office. He resigned/retired due to his trying to unduly influence a judge panel to find in favor of his friend, Hahn Williams, in a case on appeal to the Second Circuit Court of Appeal where a trial jury had found her liable for over a million dollars in damages. Based on information and belief, Judge Brown threatened and attempted to intimidate Second Circuit Judge Jeff Cox, who had also been on the Mercer panel with Judge Brown. Further, Judge Brown's law clerk, Trina Chu at that time,

was fired by the Second Circuit for making unauthorized access to case file information related to the Succession of Houston case, docket no 52,181-CA.

6.

A criminal investigation of Judge Brown's law clerk, Trina Chu, was instituted by the Caddo Parish Sheriff's Department. See *Caddo Parish Sheriff's Department Investigator Report and Affidavit of Detective Doug Smith attached hereto as EXHIBIT A*. After the investigation was closed, Mercer received a copy of the report, pursuant to public records request, on July 24, 2019. Through this investigation and public records production, Mercer has learned important information from the investigation that impacts the Mercer case and compels the nullity of the Second Circuit decision in the Mercer case. Documents related to the Mercer case were found in the forensic search of the Judge Brown and law clerks' G: Drive and USB Drive, where this case information was forbidden by Second Court policy from being stored. Those documents indicate improper practices by Judge Brown and the Second Court panel.

7.

On August 22, 2018, Lillian Ritchie, the Judicial Administrator for the Second Circuit Court of Appeal, had contacted the Caddo Parish Sheriff's Office suspecting that Trina Chu, Judge Brown's law clerk, had been making unauthorized access to confidential case files on the Second Circuit Court of Appeal network H: Drive.

8.

An investigation was conducted by the Caddo Parish Sheriff Office into Judge Brown's law clerk regarding the Succession of Houston case that had involved Judge Brown's friend Hahn Williams, who was also a close friend with Chu. Judge Brown had actually recused himself from the case due to this relationship with Williams.

9.

On August 7, 2018, Becky Flippo, Judge Brown's judicial secretary, had found a large copy job on the network printer. The print job was related to the Succession of Houston and had been printed by Trina Chu. Ritchie told police that as Judge Brown's law clerk had no business accessing documents concerning a case from which the judge had recused himself. On August 8,

2018, Ritchie provided a memo to Chu explaining to her the importance of preventing even an appearance of impropriety that Judge Brown's recusal had been breached.

10.

Each employee's G: Drive is a private share on the Court's network to which only that employee and IT have access. The H: Drive is a shared network at the Second Circuit to which all judges, their law clerks and other authorized employees have access. The H: Drive is for storing working documents for deliberations on matters that are before the court and allows judges and those in their suites to access and share notes and documents while they prepare and organize opinions on cases. This is the confidential information to which Clerk Ritchie was referring to Caddo investigators. The H: Drive had confidential material dealing with decisions and is required to remain there by Second Circuit written policy. Therefore, anyone using Second Circuit computers was prohibited from storing case documents from the H: Drive on the private G: Drive or copying it to USB removable drive. The policy actually states "This private directory is meant for creation and storage of personal documents and **not for documents relating to the Court.**" See *copy of Court of Appeal, Second Circuit "Policy and Procedures for Use of Computer and Electronic Communications, attached hereto as EXHIBIT B.* This policy also allows specific review of an individual's private files or computer activity if there is a reasonable suspicion of inappropriate use.

11.

Caddo investigators (through special forensic software) found a short cut on Judge Brown's law clerk laptop computer showing where the law clerk had copied a folder containing confidential H: Drive information to a removable drive (USB). Caddo said this activity had been occurring repeatedly for some time. Investigators also found that Judge Brown's law clerk had been sending emails from her private email address with attachments of the confidential documents from the Second Circuit H: Drive. Caddo investigators have a USB removable drive, which is a copy of the clerk's G: Drive, which in turn, was a copy of the court's H: Drive. This confidential information had been copied onto the law clerk's G: Drive and then transferred to a USB removable drive. This information had been copied on a routine basis. Caddo did not examine whether this had occurred in 2017. Caddo investigators obtained a forensic image of the G: Drive

of Judge Brown's law clerk's laptop using specialized forensic equipment and software. The forensic image also **contained documents related to the Mercer case.**

12.

In the Succession of Houston case, Judge Brown's law clerk copied files from the Court's H: Drive onto the private G: Drive and then made a copy off the G: Drive onto a USB removable drive. Judge Brown's law clerk then emailed and communicated ex parte with Williams from her private email at home. Judge Brown's law clerk actually drafted part of the briefs for Williams. See *email dated 7/25/18 attached as EXHIBIT C*. Judge Brown's law clerk also instructed Williams on how to send the document to Williams' attorney so that it could not be traced back to her: "you can send the document to him (attorney) as is because it has no information that can be traced back to me on the document. Save it to a jump drive and give it to him so he won't have to type much." This is only one of many emails involving ex parte communications between Judge Brown's law clerk. Thus, Judge Brown's law clerk was not only copying confidential court information, but also transferring the information onto a removable drive that could be taken off site and emailed or handed to anyone, including ex parte communications with parties involved in the case.

13.

These ex parte communications were not limited to Judge Brown's law clerk, but also include Judge Henry Brown himself, receiving an email and documentation regarding the Succession of Houston case from which he had been recused. *Attached as EXHIBIT D is an email from Hanh Williams to Henry Brown (hnbrown@la2nd.org) on 7/23/2018* (this document was part of the Caddo investigation file). The documents emailed to Judge Henry Brown were the confidential Second Circuit documents related to the Succession of Houston case (52,181-CA) and actually sent to his Second Circuit email address. Thus, Judge Brown had full knowledge of documents that had been illegally obtained from the Second Circuit H: Drive that had been sent to him by Hahn via email to review. The documents were even labeled with the name of his law clerk, Trina Chun. Judge Brown's actions are flagrant unethical breaches of his judicial canons. These actions also violated Second Circuit policy that prevents the "use of office computers to connect to personal internet accounts for the purpose of transferring/storing legal documents

within the scope of the interest of the court” and “sending electronic information to court employee or others outside the court which is confidential, discriminatory or derogatory.” On August 15, 2018, Clerk Lillian Ritchie sent an email to all Second Circuit judges informing them of Brown’s law clerk’s ex parte communications. However, Judge Brown never informed Ritchie of his own ex parte communications in the same case.

14.

Subsequently, Judge Brown’s law clerk was terminated by the Second Circuit Court of Appeals, and Chu told Caddo Parish investigators that she felt she was set up by Jennifer L. Brown, Judge Brown’s supervising law clerk, who wanted to get rid of her. Judge Henry Brown resigned or retired on October 1, 2018.

15.

After a public records request to the Caddo Parish Sheriff’s Office was received by Mercer on July 24, 2019, it was revealed that certain documents related to the Mercer case, were also on the private G: Drive of Judge Brown’s law clerk, where no case information was supposed to be stored per Second Circuit policy. There were six (6) documents, including two (2) Microsoft Word documents that were modified in March of 2017, which said date was **before** the case was ever heard by the Second Circuit Panel on April 4, 2017. This also occurred before Judge Brown had ever seen any exhibits of Mercer’s case. See *attached forensic screen shot of Judge Brown’s law clerk’s G: Drive attached as EXHIBIT E*.

16.

It should be noted that Caddo did not investigate the Mercer case. Caddo did not examine Judge Brown’s public or private email accounts, nor did they look at those of Jennifer Brown nor any other clerk or research attorney of Judge Brown. Nor was Caddo looking for files, computer usage or employee activity prior to Chu’s hire date. Chu had also been taking pictures of documents on her personal phone and emailing and texting them to Williams from her personal email addresses and her Second Circuit email address. Caddo did not look at either Judge Brown or Jennifer Brown’s phones nor any other clerk or research attorney of Judge Brown’s phones in their investigation. Nor did they ever interview Judge Brown or Jennifer Brown nor any other clerk or research attorney of Judge Brown. Upon information on belief, because Mercer documents

were also found on the law clerk’s private G: Drive, it is believed improper activity also took place in the Mercer’s case.

17.

These six (6) documents stored on the private drive of Judge Brown’s law clerk concerning the Mercer case are:

| <u>Name</u> | <u>Date/Time Modified</u> | <u>Type Document</u> | <u>Size</u> |
|--|---------------------------|----------------------|-------------|
| 51371ca Mercer - JLB | 3/27/17 – 2:18 p.m. | Microsoft Word | 33KB |
| 51371ca April 2017 | 3/29/17 – 11:44 a.m. | Microsoft Word | 25KB |
| 51371ca HNB – Mercer v. DOTD | 6/5/17 – 12:06 p.m. | Microsoft Word | 54KB |
| 51371ca Mercer v. State DOTD, et al Motion | 7/24/17 – 3:40 p.m. | Adobe Acrobat | 47KB |
| 51371ca Mercer-en banc hearing | 7/26/17 – 11:23 a.m. | Adobe Acrobat | 304KB |
| 51371ca Mercer v. DOTD – JLB | 4/25/18 – 3:52 p.m. | Microsoft Word | 60KB |

18.

These documents concerning the Mercer case were kept by Judge Brown’s law clerk on the private G: Drive, where no case information was supposed to have been stored, per Second Circuit policy, and further shows that documents were “modified” related to this case *prior to the case ever being heard by the Second Circuit panel and before Judge Brown had ever seen any case exhibits of the Mercer case.* Thus, there were Mercer case documents on the same private G: Drive on which the Succession of Houston documents were stored, a case that involved clear “ill practices” and unethical activities by Judge Brown and his law clerk or clerks. Some of the Mercer documents have initials in the Name, such as “hnb” (presumably Henry N. Brown) and “JLB” (presumably Jennifer L. Brown).

19.

Further, the modification and storage of documents related to the Mercer case by Judge Brown’s law clerk on the private G: Drive and on the removable USB drive were “ill practices” in direct violation of the Second Circuit’s own policies concerning use of the private drive and prior to Mercer’s counsel ever having the opportunity to argue the case before the Court and before Judge Brown had ever seen any exhibits of the Mercer case.

20.

Under Judicial Canon 3(A)(5), a judge shall not permit private or ex parte communications to influence his judicial actions. Further, a judge shall not knowingly accept in any case documents

or written communication intended to influence or calculated to influence his actions unless the contents are made known to all parties. A judge's law clerk or staff under the judge's direction and control are required to observe the same standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in their office duties. Judicial Canon 3(B)(2).

21.

None of the documents shown on the private G: Drive and removable USB drive of Judge Brown's law clerk were known to Mercer or provided to Mercer's counsel until discovered after the public records request received from the Caddo Parish Sheriff's office on July 24, 2019. Mercer still does not know the content of these documents, as they were not produced by the Caddo Parish Sheriff's office pursuant to public records request. Discovery is filed together with this Petition to uncover the true nature of these Mercer documents and whether Judge Henry Brown and his then law clerks/research attorneys were engaged in similar ex parte activities in the Mercer case as had occurred in the Succession of Houston case by Judge Brown and his law clerk. Mercer has a legal right to see these documents concerning his case stored on this private or hidden drive of Judge Brown's law clerk.

22.

Given Judge Brown's undisclosed conflict of interest, his failure to recuse himself, his law clerk modifying documents related to the Mercer case before the case was ever heard by the Second Circuit Panel, and before Judge Brown had ever seen any exhibits of the Mercer case, and his law clerk storing these documents on a private drive prohibited by Second Circuit policy and then transferring the documents to a removable USB drive, said actions constitute "ill practices" sufficient to nullify the Second Circuit decision. Upon information and belief once discovery occurs, further "ill practices" may be revealed.

23.

Also, Jennifer L. Brown was the person designated to meet with Mr. Mercer in connection with his public records document production requests to the Second Circuit on January 23, 2019, July 23, 2019 and September 13, 2019. Jennifer Brown was also the person who had denied access to many of Mercer's previous written Public Records Request. Numerous answers/denials to

Public Records request denial were based “on the advice of administrative counsel.” At that time, Jennifer L. Brown did not reveal that she had been Judge Brown’s primary permanent law clerk/research attorney in the Mercer case, but was representing the Second Circuit Clerk as general counsel for the court. In violation of the Second Circuit’s policy prohibiting use of private email communication for court documents, she used her personal email account (jenbrown13198@yahoo.com) to communicate with Mercer about the case and his document production requests. See *July 23, 2019 email from Jennifer Brown to Jeff Mercer attached as EXHIBIT F*. Discovery is also sought from Jennifer L. Brown’s personal email account for any other emails from her personal email address related to the Mercer case (while she was a clerk/research attorney on the case). Jennifer Brown also emailed Jeff Mercer on 9/9/2019 from her Second Circuit email, Jennifer Brown (jbrown@la2nd.org). Discovery is also sought from Jennifer L. Brown’s Second Circuit email also for the same information. Discovery is also sought for private and Second Circuit email records from any other law clerk or research attorney working under Judge Brown or Jennifer L. Brown August 4, 2017 while the Mercer case was pending with the Second Circuit, from August 26, 2016 through August 4, 2017. The Second Circuit’s own policy specifically allows review of an individual’s private files or computer activity if there is a reasonable suspicion of inappropriate use.

24.

On June 7, 2017, the Second Circuit panel issued its decision to reverse the unanimous Mercer jury verdict based on a jury question that was never objected to by Defendants. The entire three-judge panel then made a de novo finding of facts despite the hotly contested nature of the trial testimony and rendered judgement in favor of Defendants. It was so highly unusual for the panel to “reverse and render” a unanimous jury verdict that the computer records of the Second Circuit Court of Appeal show that not a single civil jury verdict has been “reversed and rendered” since 2009 (when the computer records began), other than the Mercer case. It is unknown if the Mercer documents dated prior to the oral argument (March 27, 2017 and March 30, 2017) were a portion of the opinion written before oral argument was ever heard (April 4, 2017) and before Judge Brown ever viewed the exhibits in the Mercer case. According to Louisiana Supreme Court operating procedure, a judge or justice may be assigned the duty of writing the opinion of the court,

but “the opinion is not written, however, until the case has been argued before the Court.” Discovery is sent with this Petition to obtain digital copies of these documents.

25.

Through public records document request, on September 13, 2019, Mercer obtained critical information from the Second Circuit Court of Appeal, namely, the Second Circuit “sign sheet” for examining the record and exhibits in the Mercer case (#51,317 CA). See *attached EXHIBIT G*. The Second Circuit has strict chain of custody requirements for the record and exhibits, requiring each person who examines the documents to sign in and out. This document shows that Judge Brown had checked out the duplicate record on March 3, 2017 and checked it back in April 4, 2017 the day of the hearing and argument before the panel. However, he did not check out any of the exhibits. Judge Garrett checked out the original record and exhibits on March 13, 2017 and returned it nine (9) days later on March 22, 2017. **Judge Cox never checked out either the record or the original or duplicate exhibits. After the oral argument hearing on April 4, 2017 and through the date of the decision on June 7, 2017 (sixty-three (63) total days), neither Judges Cox nor Garrett ever checked out the record.** The original transcript was held in “Docket” until July 5, 2017. While in “Docket” it would either be with the clerk or writing judge (Brown). Thus, while the original records and exhibits “Docket” were with Judge Brown after April 4, 2017 through June 7, 2017, the date of the opinion, the duplicate was available, but never checked out by either Judges Cox or Garrett. For the three (3) of them to conduct a de novo review from the same record on a jury trial that took almost a month to try would have been physically impossible, especially given the workload of each judge.

26.

Upon information and belief, during the time period between April 5, 2017 and June 30, 2017, Judge Brown was writing Judges on ten (10) cases and reading or 3rd judge on sixteen (16) additional cases for a total of twenty-six (26). Judge Garrett was writing Judge on eleven (11) cases and reading or 3rd judge on eighteen (18) additional cases for a total of twenty-nine (29). Judge Cox was writing judge on nine (9) cases between 4/5/17 and 6/28/17 and reading or 3rd judge on eighteen (18) additional cases for a total of twenty-seven (27). See *attached EXHIBIT H*.

27.

The Mercer record is voluminous, containing testimony that lasted almost a month in the courtroom and thousands of pages of documents. The trial record alone is nineteen (19) volumes with 4,038 total pages. The exhibits constituted nine (9) volumes with a total of 4,650 pages. That's a total of 8,688 pages of required reading by each judge doing a de novo review of the record.

28.

According to the Second Circuit panel's decision, they conducted a "de novo" review of the Mercer case on appeal. A de novo review on appeal is an examination of the entire trial transcript and exhibits as if the trial was being heard again or "anew." The appellate court panel (all three (3) judges) placed themselves (not their law clerks) in the shoes of the unanimous jury to carefully examine all of the record and exhibits. This goes far beyond a normal appellate review for the panel, and required the three (3) judge panel to become, literally, the fact finders instead of the jury. **However, the Second Circuit sign sheet for the record and exhibits shows that the Panel, in making the de novo review, must have relied solely on Judge Brown's review of the record. Judge Cox never checked out either the original or duplicate record or exhibits, and after the April 4, 2017 oral arguments, Judge Garrett never checked out the duplicate record or exhibits.** Therefore, it was impossible for the entire panel to have made a de novo review of all the trial testimony and exhibits that were seen and heard by the jury for almost a month.

29.

Thus, the Second Circuit's own records show that a full de novo review of the trial record/exhibits by all three (3) judges never occurred after the case was submitted after the April 4, 2017 oral arguments. In essence, one judge (Brown) substituted his opinion for twelve unanimous jurors. Judge Brown wrote a fifty (50) page opinion for the panel, thirty-eight (38) pages of which was discussion of an alleged de novo review fact finding by the entire panel, which never occurred after the case had been submitted.

30.

On June 16, 2017, Mercer applied for a Rehearing and filed a Motion to Recuse Judge Brown, having only just learned that Judge Brown's father, Henry N. Brown, Sr., had been an

employee with the Louisiana Department of Transportation for forty-four (44) years, after the ruling had been issued. Judge Brown never disclosed or gave notice to Mercer of this fact prior to rendering the decision.

31.

On July 24 and 26, 2017, two (2) documents (PDF files containing 47 KB and 304 KB respectively) regarding the motion to recuse and en banc hearing were modified and stored on Judge Brown's law clerk's private G: Drive and on the removable USB drive, where case documents were not supposed to be created or stored. These documents were modified **prior** to any recusal decision in the case, which occurred on August 3, 2017.

32.

Judge Brown and his law clerks/research attorneys were prohibited from participating or being involved in the Mercer case under the judicial canons pending the Motion to Recuse. However, based on information or belief, two documents on Judge Brown's law clerk G: Drive and the removable USB drive related to both the recusal and rehearing were modified and stored on July 24 and 26, 2017, almost two (2) weeks **before** the Motion to Recuse was heard on August 3, 2017. Thus, this participation by Judge Brown and/or Brown's law clerks/research attorneys at this time violated the judicial canons of ethics.

33.

On August 3, 2017, a hearing on the Motion to Recuse was supposedly held, without notice to Mercer, and without giving him the opportunity to present evidence or take testimony. According to information obtained from Jennifer L. Brown, Judge Brown's former head law clerk, and who is now the Second Circuit general attorney, pursuant to the public records request of Mercer on July 23, 2019, the Motion to Recuse was heard the morning of August 3, 2017 and that the normal procedure when the Judges meet, is that they don't know how they will vote, and then after the decision, they write any supporting documents to attach, which is the reason the order is not always on the same date as the hearing.

34.

At 10:23 a.m. on August 3, 2017, an order was issued by the Second Circuit Court of Appeal, denying Mercer's motion to recuse Judge Brown. The Order, and an opinion by Judge

Bleich, were filed by the Clerk at 10:25 a.m., two minutes later. Thus, it was impossible that Bleich's supporting opinion was drafted and typed within the two minute gap between the decision time at 10:23 a.m. and the filing time at 10:25 a.m. The logical explanation is that this supporting opinion was drafted prior to the hearing ever occurring. It is not yet known if the order and opinion were one of the documents drafted by Judge Brown's law clerks, and stored on the private G: Drive prior to the hearing on the recusal and while Judge Brown's law clerks/research attorneys were prohibited by judicial ethics from being involved in the case. See *Order and Opinion attached as EXHIBIT I*. Discovery is filed with this Petition to uncover the true nature of these documents, as well as all of the Mercer documents shown on the private G: Drive. A digital copy is requested from both the Caddo Parish Sheriff's office (who has a USB copy) and the Second Circuit, who has the laptop computer of Judge Brown's law clerk in its possession and any other law clerk of Judge Brown at the time. It is believed that he had three clerks with Jennifer L. Brown as the supervising law clerk.

35.

According to information obtained from Jennifer L. Brown, pursuant to public records request on July 23, 2019, the rehearing on the Mercer case was also heard on August 3, 2017, and denied. The Rehearing Action was filed the next day, August 4, 2019. See *Rehearing Action attached as EXHIBIT J*. The standard requirement is for each judge on the rehearing panel to fill out and initial a Rehearing Action Vote Sheet. See *May 15, 2017 Memo from Clerk Lillian Ritchie attached as EXHIBIT K*. Pursuant to public records request, Mercer sought copies of the Rehearing Action Vote Sheets, but Mercer was told there were none for his case and none have been provided by the Second Circuit, indicating that the rehearing panel may not have actually met for the required hearing on the rehearing application or the motion to recuse. If they did not meet for the rehearing on August 3, 2017, logically, they did not meet for the recusal hearing either. What is known is that not a single judge on the rehearing panel ever reviewed the record/exhibits because no judge checked out the record after the Docket was returned to the clerk on July 5, 2017 by Becky Flippo, Judge Brown's Trial Secretary. See *EXHIBIT G*.

36.

The primary argument made by Mercer for Rehearing was that the Second Circuit panel erred in finding a reversible error concerning the jury instruction and verdict form where counsel for defendants **never** objected to what the Panel claimed was an error, namely the lack of specific instructions on the underlying intentional interference with business relations. The Application for Rehearing pointed out these facts *in the record*. However, not a single judge on the motion for rehearing ever bothered to look at the record itself. See EXHIBIT G.

37.

Further evidence obtained by Mercer via public records request shows that Second Circuit judges would sometimes not attend the rehearing, miss votes, would let their law clerks sign for them, would simply email a proxy, or just go along with the others. See EXHIBITS L, M, N and O attached hereto. These EXHIBITS were obtained by Mercer pursuant to public records requests and meeting with Jennifer L. Brown on January 23, 2019. On August 6, 2018, in another rehearing case (#52,163), Judge Jeff Cox gave a proxy to another judge stating that he would vote to deny but “will go along with what the panel wants to do.” See *EXHIBIT L*. Judge Cox also served on the Mercer panel. On August 6, 2018, in the same rehearing case (#52,163), Judge Garrett, who also served on the Mercer panel, asked “would it simplify matters if all are in agreement to deny rehearing before Thursday?” In other words, the court was making a decision on the case before the actual hearing was ever held. See *EXHIBIT L*.

38.

According to information obtained pursuant to public records request from Jennifer L. Brown on July 23, 2019, the rehearing conference is mandatory. From the lack of voting sheets on the Mercer case, it is questionable if an actual rehearing conference was ever held in the Mercer case. Further, if the rehearing was never heard, neither was the recusal hearing. Discovery is requested with this Petition to determine whether the rehearing and recusal panel actually met in the Mercer case. Performance Standard 1.1 and 2.1 for Louisiana Court of Appeal mandates that Louisiana courts of appeal provide a reasonable opportunity for a multi-judge review of decisions and “afford every litigant the full benefit of the judicial process.” The Second Circuit’s own policy on Rehearings requires that applications be “thoroughly discussed.” Upon receipt by the Clerk’s

office of the votes of “each judge”, a rehearing action will be prepared and mailed to all counsel. However, there were no voting sheets of each judge’s vote on the Mercer case. Evidence found in the Chu investigation revealed that Second Circuit Court security has information for each day of court whether anyone was present in their judge’s office that day in a document known as “Door Lock Sheet”. Discovery is sought with the Petition to find out if any of the Judges on the Mercer rehearing panel and the recusal panel were physically present at court on that day, August 3, 2017, when the Motion to Recuse and Rehearing was supposedly held, and August 4, 2017, the day the rehearing was denied, by production of all of the Door Lock Sheets for those days for the judges’ offices, their clerk’s offices and conference rooms.

39.

Based on information and belief, Mercer avers that any failure by the court to comply with proper procedures constitutes “ill practices” under La. Code of Civil Procedure Articles 2004 and 2005 sufficient to nullify the Second Circuit decision reversing and rendering the case, which said decision petitioner is asking this honorable court to declare null and void. An “ill practice” is any improper practice or procedure which operates, even innocently, to deprive a litigant of some legal right. *Riddle v. Premiere Plaza of Monroe, LLC*, 216 So.3d 170, 173 (La. App. 2d Cir. 2017). Under this law, a plaintiff must prove (1) that the judgment resulted from a deprivation of a legal right and (2) that the enforcement of the judgment would be unconscionable or inequitable. The purpose of a nullity action is to prevent injustice which cannot be corrected through a new trial or appeal. The standard of review for a trial judge making a decision on a petition of nullity is not whether the trial judge was right or wrong, but whether the trial court’s decision on the nullity was reasonable. *Ezzell v. Miranne*, 185 So.3d 171, 175 (La. App. 5th Cir. 2016). The time to raise a claim for a petition for nullity begins to run from the date of discovering the fraud or ill practice.

40.

At the present, even without further discovery, the following facts are shown by the attached documentation that first became known to Mercer on January 23, 2019, July 23, 2019, July 24, 2019 and September 13, 2019:

1. That one panel judge never checked out the record/exhibits, that another panel judge never checked out the record/exhibits after the case was submitted, thus, the entire panel of the Second Circuit could not have conducted a “de novo review” of the

record/exhibits (which totaled 8,688 pages) after the case had been submitted on April 4, 2017.

2. The documents related to the Mercer case were found on the forensic search of the G: Drive and transferred to the USB drive of Judge Henry Brown's law clerk during an investigation regarding the Succession of Houston. The investigation shows files had been periodically copied for long periods of time. The investigation did not look beyond Chu's date of hire or at anyone else's electronic devices other than Hanah Williams. Although, one of Judge Brown's emails did turn up in the Williams emails. Caddo was not investigating anyone but Chu and Williams. Second Circuit Court policy prohibited the storage of such documents on this drive. This all occurred in connection with a case where both Judge Brown and his law clerk engaged in ex parte, unethical communications involving confidential Second Circuit Court documents.
3. That the information on the snapshot of Judge Brown's law clerk G: Drive revealed documents regarding the Mercer case that were modified at least a week prior to oral argument ever being held and before Judge Brown had ever viewed the exhibits on the Mercer case, and which were improperly stored on the G: Drive against Second Circuit Court policy.
4. That the same information revealed two (2) documents regarding the motion to recuse and the motion for rehearing in the Mercer case that were modified over a week prior to either hearing ever having occurred, and stored on Judge Brown's law clerk G: Drive at a time when Judge Brown was under a pending motion to recuse.
5. That the opinion on the recusal of Judge Brown was written prior to the hearing on the motion to recuse, and possibly by Judge Brown's law clerk.
6. Due to the lack of voting sheets by each judge and other actions of the Second Circuit, it is questionable whether the panel on the rehearing issue or the motion to recuse in the Mercer case ever actually conducted a hearing. If there was not a hearing on the rehearing application on August 3, 2019, logically, there was not a hearing on the recusal the same day. What is known as a fact is that no judges making the decision on the rehearing ever bothered to examine any of the record/exhibits.

These facts alone show ill practices, which are improper practices or procedures that operate, even innocently, to deprive a litigant of a legal right.

41.

Mercer has been deprived of his constitutional right to a fair trial before an impartial tribunal and improperly stripped of a \$20 million property right. The tribunal was not impartial due to the presence of Judge Brown and there was no true de novo review by all three judges of the Mercer record and exhibits after the case was submitted. To allow the Second Circuit decision to stand in the face of such ill practices would be a total miscarriage of justice.

42.

Due to these ill practices by the court, the June 7, 2017 decision of the Second Circuit Court of Appeal should be declared null and void, and the original unanimous jury verdict and judgment

of February 10, 2016 should be reinstated and the Second Circuit of Appeal should be recused from any further hearing of this case.

43.

Under Louisiana Code of Civil Procedure Article 2016, this nullity action must be brought in the trial court even though the judgment sought to be annulled was rendered by an appellate court. This is true because the Second Circuit Court of Appeal has no original jurisdiction. The nullity action is brought as an ordinary, rather than a summary, proceeding and the court of the original lawsuit is a proper venue. *State v. Smith*, 194 So.3d 29, 32 (La. App. 2d Cir. 2016).

44.

Attached as EXHIBIT P is a Chronological Timeline of these events for the court's benefit, showing the events alleged herein.

WHEREFORE, Petitioner Jeff Mercer, LLC prays, after all due proceedings had, there be judgment in its favor declaring the June 7, 2017 decision of the Louisiana Second Circuit Court of Appeals null and void, with the December 4, 2015 jury verdict and judgment of the Fourth Judicial District Court rendered on February 10, 2016 reinstated, and that the Second Circuit Court of Appeal be recused from hearing any further proceedings of this case.

Petitioner further prays for all attorney fees and costs in connection with this Petition for Nullity from the time of the initial appeal through the time of this case.

FURTHER PRAYS for all general and equitable relief.

Respectfully submitted,



DAVID P. DOUGHTY, BAR NO. 18871
JOHN B. HOYCHICK, BAR NO. 23789

**COTTON, BOLTON, HOYCHICK
& DOUGHTY, L.L.P.**

607 Madeline Street ~ P. O. Box 857
Rayville, LA 71269
Telephone (318) 728-2051
Facsimile (318) 728-5293

Attorneys for Plaintiff

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and Willis Jenkins
through their attorneys of record:

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and

Julie M. Lafargue

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Barry Lacy

Louisiana Department of Transportation and Development

Headquarters Office

Office of Engineering, Construction Division

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Baton Rouge, LA 70802

STATE OF LOUISIANA
PARISH OF RICHLAND

FILED

SEP 27 2019
DeAnna Albritton
DEPUTY CLERK
4TH JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA.

VERIFICATION

BEFORE ME, the undersigned Notary Public, came and appeared, JEFF MERCER, individually and JEFF MERCER, LLC, herein represented by its Manager, Jeff Mercer, who did depose and state that:

He has read the foregoing allegations in the foregoing Petition to Annul Judgment and that they are true and correct to the best of his knowledge, information and belief.

JEFF MERCER, L.L.C.

By: Jeff Mercer, LLC by Jeff Mercer
Jeff Mercer, Manager

Jeff Mercer
JEFF MERCER, Individually

SWORN TO AND SUBSCRIBED, on this the 26th day of September, 2019.

David P. Doughty
NOTARY PUBLIC



OFFICIAL SEAL
DAVID P. DOUGHTY
LSBA NO. 18871
STATE OF LOUISIANA
PARISH OF RICHLAND
My Commission is for Life

ENITATED 10/02/18

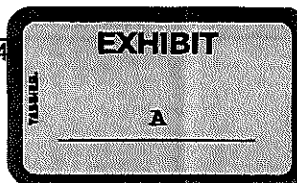
Caddo Parish Sheriff's Office INCIDENT REPORT

FRO

| | |
|-----------------------------------|------------|
| ORI | LA 0090000 |
| Incident Number 2018-000-26114 | |

201800008102

| | | | | | | | | |
|---|--|--|-------------------|-------------------|---|-----------|--|-----------------|
| Day No. 2 | Date 8/27/18 | Time Disp. 1500 | Time Arr. 1500 | Time Cir. 1510 | Area 4 | Sec. A | Deputy Det. Doug Smith | Comm. # 1524 |
| Reported By | Name: Last First Middle Richie, Lillian Evans | | | Race W | Sex F | Age 62 | Nature of Incident Computer Tampering | |
| Address 430 Fanin St. Shreveport, LA 71101 | | | | | Home Phone | | Business Phone 318-227-3702 | |
| Address of Incident / Location Description Public Building/ 2nd Circuit Court of Appeal 430 Fanin St. Shreveport, LA 71101 | | | | | (Date / Time Occurrence) From: Date 2/1/18 Time 0800 To: Date 8/17/18 Time 1700 | | | |
| LRS# or Parish Ord: 1. RS 14:73.7 2. 3. 4. 5. | | Type of Criminal Activity: #2 #3 #4 #5 B <input type="checkbox"/> Buying/Receiving P <input type="checkbox"/> Possessing/Concealing J <input type="checkbox"/> Juvenile Gang C <input type="checkbox"/> Cultivating/Manufacturing/Publishing T <input type="checkbox"/> Transporting/Transmitting/Importing G <input type="checkbox"/> Other Gang D <input type="checkbox"/> Distributing/Selling U <input type="checkbox"/> Using/Consuming N <input checked="" type="checkbox"/> None/Unknown E <input type="checkbox"/> Exploiting Children I <input type="checkbox"/> Possession with Intent to Sell O <input type="checkbox"/> Operating/Promoting/Assisting X <input checked="" type="checkbox"/> Other | | | | | | |
| Location of Incident: (Check only one) (Enter Code Number for Offense #2 #3 #4 #5) 01 <input type="checkbox"/> Air/Bus/Train Terminal 08 <input type="checkbox"/> Department/Discount 15 <input type="checkbox"/> Jail/Prison 22 <input type="checkbox"/> School/College 02 <input type="checkbox"/> Bank/Savings & Loan 09 <input type="checkbox"/> Drug Store/Dr.'s Office/Hospital 16 <input type="checkbox"/> Lake/Waterway 23 <input type="checkbox"/> Service/Gas Station 03 <input type="checkbox"/> Bar/Night Club 10 <input type="checkbox"/> Field/Woods 17 <input type="checkbox"/> Liquor Store 24 <input type="checkbox"/> Specialty Store (TV, Fur, etc.) 04 <input type="checkbox"/> Church/Synagogue/Temple 11 <input checked="" type="checkbox"/> Government/Public Buildings 18 <input type="checkbox"/> Parking Lot/Garage 25 <input type="checkbox"/> Other/Unknown 05 <input type="checkbox"/> Commercial/Office Building 12 <input type="checkbox"/> Grocery/Supermarket 19 <input type="checkbox"/> Rental/Storage Facility 40 <input type="checkbox"/> Casino Land Based 06 <input type="checkbox"/> Construction Site 13 <input type="checkbox"/> Highway/Road/Alley 20 <input type="checkbox"/> Residence/Home 41 <input type="checkbox"/> Casino River Boat 07 <input type="checkbox"/> Convenience Store 14 <input type="checkbox"/> Hotel/Motel/Etc. 21 <input type="checkbox"/> Restaurant | | | | | | | | |
| Offense Involved: #2 #3 #4 #5 A <input type="checkbox"/> Alcohol D <input type="checkbox"/> Drugs C <input type="checkbox"/> Computers DV <input type="checkbox"/> Domestic Violence Juv <input type="checkbox"/> Juveniles GRO <input type="checkbox"/> Gaming Related Offense | | | | | | | | |
| Offense Attempted / Completed 1. A <input type="checkbox"/> C <input checked="" type="checkbox"/> 2. A <input type="checkbox"/> C <input type="checkbox"/> 3. A <input type="checkbox"/> C <input type="checkbox"/> 4. A <input type="checkbox"/> C <input type="checkbox"/> 5. A <input type="checkbox"/> C <input type="checkbox"/> Attempted Completed | | | | | (For Burglary Only) <input type="checkbox"/> Abandoned <input type="checkbox"/> Forcible Number of Premises <input type="checkbox"/> Unoccupied <input type="checkbox"/> No Force Entered: <input type="checkbox"/> Occupied | | | |
| Type of Weapon/Force Used: #2 #3 #4 #5 11 <input type="checkbox"/> Firearms (type not stated) 15 <input type="checkbox"/> Other Firearm 40 <input type="checkbox"/> Personal Weapons 70 <input type="checkbox"/> Narcotics/Drugs 12 <input type="checkbox"/> Handgun 20 <input type="checkbox"/> Knife/Cutting Instrument 50 <input type="checkbox"/> Poison 85 <input type="checkbox"/> Asphyxiation 13 <input type="checkbox"/> Rifle 30 <input type="checkbox"/> Blunt Object 60 <input type="checkbox"/> Explosives 90 <input type="checkbox"/> Other 14 <input type="checkbox"/> Shotgun 35 <input type="checkbox"/> Motor Vehicle 65 <input type="checkbox"/> Fire/Incendiary 95 <input type="checkbox"/> Unknown 99 <input checked="" type="checkbox"/> None | | | | | | | | |



| Victim Information | | | | | | | | | |
|---|------------------------------|--|---------------|------------------|---|--------|---------------------|---------------|-------------------|
| 1 | Victim's Name: Last | | First | Middle | Race | Sex | Age | Date of Birth | Alias |
| 2nd Circuit Court of Appeal | | | | | | | | | |
| Address | | | | | | | Home Phone | | |
| Business Address / Place of Employment | | | | | | | Business Phone | | |
| 430 Fanin St. Shreveport, LA 71101 | | | | | | | 318-227-3702 | | |
| Social Security No. | | Resident Status: | | | Ethnicity: | | | | |
| N/A | | <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Nonresident <input type="checkbox"/> Unknown | | | <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown | | | | |
| Victim Connected to Offense # : | | Type of Victim: | | | Type of Injury: | | | | |
| 1. RS 14:73.7 | | I <input type="checkbox"/> Individual R <input type="checkbox"/> Religious | | | N <input checked="" type="checkbox"/> None M <input type="checkbox"/> Minor Injury | | | | |
| 2. | | B <input type="checkbox"/> Business S <input type="checkbox"/> Society/Public | | | B <input type="checkbox"/> Broken Bones O <input type="checkbox"/> Major Injury | | | | |
| 3. | | F <input type="checkbox"/> Financial O <input type="checkbox"/> Other | | | I <input type="checkbox"/> Poss. Internal Injuries T <input type="checkbox"/> Loss of Teeth | | | | |
| 4. | | G <input checked="" type="checkbox"/> Government U <input type="checkbox"/> Unknown | | | L <input type="checkbox"/> Severe Laceration U <input type="checkbox"/> Unconsciousness | | | | |
| 5. | | L <input type="checkbox"/> Law Enforcement officer | | | | | | | |
| Type of Medical Treatment: | | Missing Person / Recovery: | | | Victim Used: | | | | |
| None | | Disp <input type="checkbox"/> Disappeared Loc <input type="checkbox"/> Located | | | A <input type="checkbox"/> Alcohol | | | | |
| Hospitalized at: | | MH <input type="checkbox"/> Mental Health RH <input type="checkbox"/> Returned Home | | | D <input type="checkbox"/> Drugs | | | | |
| N/A | | Vol <input type="checkbox"/> Voluntary CF <input type="checkbox"/> Contacted Family | | | W <input type="checkbox"/> Weapons | | | | |
| Transported by: | | Kid <input type="checkbox"/> Kidnapped CP <input type="checkbox"/> Contacted Police | | | | | | | |
| N/A | | Unk <input type="checkbox"/> Unknown Unk <input type="checkbox"/> Unknown | | | | | | | |
| | | Missing Person Form Completed: | | | NCIC Form Completed: | | | | |
| | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | | | |
| Relationship of Victim to Offender: (Put Offender/Arrestee Number in Blank) | | | | | | | | | |
| SE | Spouse | GP | Grandparent | SS | Stepsibling | ES | Estranged Spouse | RU | Relationship Unk. |
| CS | Common-Law Spouse | GC | Grandchild | OF | Other Family | XS | Ex-Spouse | EE | 1 Employee |
| IL | In-Law | AQ | Acquaintance | NM | Non-Married Live-in | BE | Babysitter (baby) | ER | Employer |
| SP | Stepparent | FR | Friend | CF | Child of "BG" | BG | Boy/Girl Friend | PA | Parent |
| SC | Stepchild | NE | Neighbor | HR | Homosexual Rel. | OK | Otherwise Known | SB | Sibling |
| XB | Ex-Boyfriend / Ex-Girlfriend | CH | Child | ST | Stranger | VO | Victim was Offender | | |
| Offender/Arrestee Information | | | | | | | | | |
| Off. | Arr. | Name: Last | | | First | Middle | Aliases | | |
| 1 | | Chu, Trina T. | | | | | | | |
| Race | Sex | Age | Date of Birth | Driver's License | | State | Social Security No. | | |
| A | F | 44 | | | | LA | | | |
| Address | | | | | | | Home Phone | | |
| | | | | | | | Unknown | | |
| Business Address / Place of Employment | | | | | | | Business Phone | | |
| | | | | | | | | | |

Offender/Arrestee Information

Incident Number
2018-000-26114

| DESCRIPTIVE | Build | Eyes | Complexion | Hair Color | Hair Style | Hair Facial | Characteristics |
|-------------|----------------------|---------------|------------|--------------|----------------------|-----------------|-----------------|
| | 1. Athletic/Muscular | 1. Blue | 1. Albino | 1. Gray | 1. Bald | 1. Beard | 1. Scars |
| | 2. Heavy/Large | 2. Green | 2. Black | 2. Black | 2. Short | 2. Goatee | 2. Marks |
| | 3. Average/Medium | 3. Brown | 3. Dark | 3. Red | 3. Medium | 3. Mustache | 3. Tattoos |
| | 4. Slender | 4. Black | 4. Light | 4. Brown | 4. Shoulder Length | 4. Side Burns | 4. Disability |
| | 5. Petite | 5. Gray | 5. Fair | 5. Blond | 5. Long | 5. Unshaven | 99. Other |
| | 99. Other | 6. Hazel | 6. Olive | 6. White | 6. Wig | 6. Clean Shaven | |
| | | 7. Multicolor | 7. Ruddy | 7. Part Gray | 7. Afro | 99. Other | |
| | | 99. Other | 99. Other | 8. Auburn | 8. Flat Top/Crew Cut | | |
| | | | | 99. Other | 9. Curly | | |
| | | | | 10. Straight | | | |
| | | | | 99. Other | | | |

| | | | | | | | | |
|--|---------------|--|--|---|--|---|--------------------|---------------------------------|
| Height 5'2" | Weight 102 | Build 5 | Eyes 3 | Complexion 4 | Hair Color 2 | Hair Style 2 | Facial Hair N/A | Characteristics |
| Additional Description | | | | | | | | |
| Date of Arrest | | Time | | Location of Arrest | | | CSO # | ATN # |
| LRS# or Parish Ord: | | Type of Arrest: | | Arrest Result of: | | Arrestee Armed with: | | |
| 1. <input type="checkbox"/> | | O <input type="checkbox"/> On-View | | I <input type="checkbox"/> Inv. of Incidents | | 01 <input type="checkbox"/> Unarmed | | |
| 2. <input type="checkbox"/> | | S <input type="checkbox"/> Summoned/Cited | | OA <input type="checkbox"/> Observed Activity | | 11 <input type="checkbox"/> Firearm (type not stated) | | |
| 3. <input type="checkbox"/> | | T <input type="checkbox"/> Taken Into Custody | | TS <input type="checkbox"/> Traffic Stop | | 12 <input type="checkbox"/> Handgun | | |
| 4. <input type="checkbox"/> | | F <input type="checkbox"/> Felony | | W <input type="checkbox"/> Warrant | | 13 <input type="checkbox"/> Rifle | | |
| 5. <input type="checkbox"/> | | M <input type="checkbox"/> Misdemeanor | | DV <input type="checkbox"/> Domestic Violence | | 14 <input type="checkbox"/> Shotgun | | |
| 15 <input type="checkbox"/> Other Firearm | | | | | | | | |
| 16 <input type="checkbox"/> Lethal Cutting Instrument | | | | | | | | |
| 17 <input type="checkbox"/> Club/Blackjack Brass Knuckles | | | | | | | | |
| 18 <input type="checkbox"/> Other | | | | | | | | |
| Arrestee Connected to Offense #: | | | Offender/Arrestee Used: | | | Multiple Clearance | | |
| 1 <input type="checkbox"/> 3 <input type="checkbox"/> 5 <input type="checkbox"/> | | | A <input type="checkbox"/> Alcohol | | | D <input type="checkbox"/> Drugs | | |
| 2 <input type="checkbox"/> 4 <input type="checkbox"/> | | | C <input type="checkbox"/> Computer Equipment | | | N <input type="checkbox"/> Not Applicable | | |
| | | | G <input type="checkbox"/> Gaming Activity Motive of Crime | | | <input type="checkbox"/> Count Arrestee | | |
| | | | | | | <input type="checkbox"/> Not Applicable | | |
| Arrestee Ethnicity: | | | Resident Status: | | | Injury Type: | | Med. Treatment/Hospitalized at: |
| H <input type="checkbox"/> Hispanic U <input type="checkbox"/> Unknown | | | R <input type="checkbox"/> Resident U <input type="checkbox"/> Unknown | | | None | | N/A |
| N <input type="checkbox"/> Non-Hispanic | | | N <input type="checkbox"/> Non-resident | | | | | Transported by: |
| | | | | | | | | N/A |
| Juvenile Status Offender: | | Disposition of Arrestee Under 17: | | | Parents Notified: | | | |
| <input type="checkbox"/> Run Away | | D <input type="checkbox"/> Handled Within Department | | | Yes <input type="checkbox"/> No <input type="checkbox"/> | | | |
| <input type="checkbox"/> Truant | | J <input type="checkbox"/> Referred to Juvenile Court or Probation Dept. | | | Released to Parents: | | | |
| <input type="checkbox"/> Ungovernable | | W <input type="checkbox"/> Referred to Welfare Agency | | | Yes <input type="checkbox"/> No <input type="checkbox"/> | | | |
| <input type="checkbox"/> FINS Report Filed | | P <input type="checkbox"/> Referred to Other Police Agency | | | Agency Referred to: | | | |
| | | A <input type="checkbox"/> Referred to Criminal or Adult Court | | | | | | |

Hate / Bias Motivation of Offender/Arrestee: # 2 _____ #3 _____ #4 _____ #5 _____

- Racial
- 11 ☐ Anti-White
12 ☐ Anti-Black
13 ☐ Anti American Indian/Alaskan Native
14 ☐ Anti-Asian/Pacific Islander
15 ☐ Anti Multi Racial Group

- ETHNICITY/NATIONAL ORIGIN
- 32 ☐ Anti-Hispanic
33 ☐ Anti-Other Ethnicity/National Origin

- DISABILITY BIAS
- 51 ☐ Anti-Physical Disability
52 ☐ Anti-Mental Disability

- RELIGIOUS
- 21 ☐ Anti-Jewish
22 ☐ Anti-Catholic
23 ☐ Anti-Protestant
24 ☐ Anti-Islamic (Moslem)
25 ☐ Anti-Other Religion
26 ☐ Multi-Religious Group
27 ☐ Atheism/Agnosticism

- SEXUAL
- 41 ☐ Anti-Male Homosexual (Gay)
42 ☐ Anti-Female Homosexual (Lesbian)
43 ☐ Anti-Homosexual (Gay & Lesbians)
44 ☐ Anti-Heterosexual
45 ☐ Anti-Bisexual

- OTHER BIAS
- 70 ☐ Age
71 ☐ Ancestry
72 ☐ Creed
73 ☐ Gender
74 ☐ Organizational Affiliation

88 ☐ None
99 ☒ Unknown

| | | | | | | | |
|--|---------|---|-------|---|------------------|------------------------|---------------------|
| W I T N E S S E S | 1 | Name: Last First Middle | Race | Sex | Age | Date of Birth | Place of Employment |
| | Address | | Alias | | Home Phone | | Business Phone |
| | 2 | Name: Last First Middle | Race | Sex | Age | Date of Birth | Place of Employment |
| | Address | | Alias | | Home Phone | | Business Phone |
| | 3 | Name: Last First Middle | Race | Sex | Age | Date of Birth | Place of Employment |
| | Address | | Alias | | Home Phone | | Business Phone |
| | 4 | Name: Last First Middle | Race | Sex | Age | Date of Birth | Place of Employment |
| | Address | | Alias | | Home Phone | | Business Phone |
| Copies to: | | Case Status - Assigned to: | | No. of Victims: | No. of Arrestees | No. of Offenders: | |
| <input type="checkbox"/> DA <input type="checkbox"/> CID <input type="checkbox"/> Coroner <input type="checkbox"/> OCD <input type="checkbox"/> Juvenile Court <input type="checkbox"/> Patrol <input type="checkbox"/> IA <input type="checkbox"/> Other | | <input type="checkbox"/> OCD <input type="checkbox"/> IA <input type="checkbox"/> CID <input type="checkbox"/> Other <input type="checkbox"/> Patrol | | 1 | | 1 | |
| Disposition: | | A <input type="checkbox"/> Death of Offender B <input type="checkbox"/> Prosecution Declined C <input type="checkbox"/> Extradition Declined D <input type="checkbox"/> Victim Refused to Cooperate E <input type="checkbox"/> Juvenile No Custody O <input type="checkbox"/> Other N <input type="checkbox"/> Not Applicable | | Scene Processed by: N/A | | Investigator on Scene: | |
| <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Open <input type="checkbox"/> Administrative <input type="checkbox"/> Cleared Exceptional | | | | Latent Prints Yes <input type="checkbox"/> No <input type="checkbox"/> Photographs Yes <input type="checkbox"/> No <input type="checkbox"/> CSI Report Yes <input type="checkbox"/> No <input type="checkbox"/> | | | |
| Date Cleared Exceptional: | | | | Reporting Deputy: Det. Doug Smith | | Comm. # 1524 | |
| | | | | Supervisor: Sgt. [Signature] | | Comm. # 1641 | |
| | | | | Review Deputy: Capt. [Signature] | | Comm. # 1208 | |

Rev. 2-99

Caddo Parish Sheriff's Office
Supplemental Report

2018-000-26114

Case Number

| | | | | | |
|-----------------------------|------|-------|--------|--------------------|--------------------|
| Victim a I Name | Last | First | Middle | Date of Occurrence | Nature of Incident |
| 2nd Circuit Court of Appeal | | | | 2/1/18 | Computer Tampering |

NARRATIVE:

Synopsis: Lillian Richie reported suspected unauthorized access to sensitive files on the 2nd Circuit Court of Appeal network. Investigation begun.

On 8/22/18, I, Det. Doug Smith, made contact with Lillian Richie, Judicial Administrator for the 2nd Circuit Court of Appeal, at the Caddo Parish Sheriff's Office Criminal Investigations Division in reference to a computer tampering complaint. Richie told me she and other employees had recently become aware that Trina Chu, A/F [redacted] clerk for Judge Henry Brown, may have intentionally exceeded her authorization while handling 2nd Circuit Court of Appeal documents on the court computer network.

I made arrangements to meet with Richie to obtain further details and documentation.

This investigation will continue.

NARRATIVE continued:

| | | | | | |
|--|---|---|--|-----------------------|------------------------|
| Disposition: | | Reporting Deputy Det. Doug Smith | | Comm # 1524 | Date 8/27/18 |
| <input type="checkbox"/> Unfounded | A <input type="checkbox"/> Death of Offender | Supervisor Sgt. [Signature] | | Comm # 1641 | Date 10/2/18 |
| <input type="checkbox"/> Cleared by Arrest | B <input type="checkbox"/> Prosecution Declined | Review Deputy Capt. [Signature] | | Comm # 1263 | Date 10/2/18 |
| <input type="checkbox"/> Pending | C <input type="checkbox"/> Extradition Declined | Copies To: | | | |
| <input type="checkbox"/> Administrative | D <input type="checkbox"/> Refused to Cooperate | <input type="checkbox"/> DA <input type="checkbox"/> IA <input type="checkbox"/> OCD <input type="checkbox"/> Coroner | | | |
| <input type="checkbox"/> Exceptional | E <input type="checkbox"/> Juvenile No Custody | <input type="checkbox"/> CID <input type="checkbox"/> Juvenile Court <input type="checkbox"/> Other | | | |
| | O <input type="checkbox"/> Other | | | | |
| | N <input type="checkbox"/> Not Applicable | | | | |
| Date Cleared _____ | | | | | |

Put in DBNS 6/14/19

LL✓

Caddo Parish Sheriff's Office
Offender/Arrestee Supplemental Form

III

Incident Number
2018-000-26114

243

| | | | | | | | |
|--|----------|-----------------------------|-----------------------------|--------------------------------|--------|--------------------------|-----------------------------------|
| Off. SU1 | Am | Name: Last Chu, Trina T. | | First | Middle | Aliases | |
| Race A | Sex F | Age 45 | Date of Birth [REDACTED] | Driver's License [REDACTED] | | State LA | Social Security No. [REDACTED] |
| Address [REDACTED] | | | | | | Home Phone [REDACTED] | |
| Business Address / Place of Employment | | | | | | Business Phone | |

| | | | | | | | |
|-------------|---|--|--|---|---|--|--|
| DESCRIPTIVE | Build | Eyes | Complexion | Hair Color | Hair Style | Hair Facial | Characteristics |
| | 1. Athletic/ Muscular 2. Heavy/ Large 3. Average/ Medium 4. Slender 5. Petite 99. Other | 1. Blue 2. Green 3. Brown 4. Black 5. Gray 6. Hazel 7. Multicolor 99. Other | 1. Albino 2. Black 3. Dark 4. Light 5. Fair 6. Olive 7. Ruddy 99. Other | 1. Gray 2. Black 3. Red 4. Brown 5. Blond 6. White 7. Part Gray 8. Auburn 99. Other | 1. Bald 2. Short 3. Medium 4. Shoulder Length 5. Long 6. Wig 7. Afro 8. Flat Top/Crew Cut 9. Curly 10. Straight 99. Other | 1. Beard 2. Goatee 3. Mustache 4. Side Bums 5. Unshaven 6. Clean Shaven 99. Other | 1. Scars 2. Marks 3. Tattoos 4. Disability 99. Other |

| | | | | | | | | |
|----------------|---------------|------------|-----------|-----------------|-----------------|-----------------|--------------------|-------------------------------|
| Height 5'2" | Weight 102 | Build 3 | Eyes 3 | Complexion 6 | Hair Color 1 | Hair Style 2 | Facial Hair N/A | Characteristics [REDACTED] |
|----------------|---------------|------------|-----------|-----------------|-----------------|-----------------|--------------------|-------------------------------|

Additional Description/Information:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

| | | | | |
|---------------------|---|---|--|-------|
| Date of Arrest | Time | Location of Arrest | CSO # | ATN # |
| [REDACTED] | | | | |
| LRS# or Parish Ord: | Type of Arrest: | Arrest Result of: | Arrestee Armed with: | |
| 1. [REDACTED] | O <input type="checkbox"/> On-View | II <input type="checkbox"/> Inv. of Incidents | 01 <input type="checkbox"/> Unarmed | |
| 2. [REDACTED] | S <input type="checkbox"/> Summoned/Cited | OA <input type="checkbox"/> Observed Activity | 11 <input type="checkbox"/> Firearm (type not stated) | |
| 3. [REDACTED] | T <input type="checkbox"/> Taken Into Custody | TS <input type="checkbox"/> Traffic Stop | 12 <input type="checkbox"/> Handgun | |
| 4. [REDACTED] | F <input type="checkbox"/> Felony | W <input type="checkbox"/> Warrant | 13 <input type="checkbox"/> Rifle | |
| 5. [REDACTED] | M <input type="checkbox"/> Misdemeanor | DV <input type="checkbox"/> Domestic Violence | 14 <input type="checkbox"/> Shotgun | |
| | | | 15 <input type="checkbox"/> Other Firearm | |
| | | | 16 <input type="checkbox"/> Lethal Cutting Instrument | |
| | | | 17 <input type="checkbox"/> Club/Blackjack Brass Knuckles | |
| | | | 18 <input type="checkbox"/> Other | |

SM 6977

2018 000 26114

2018 000 26107

| Arrestee Connected to Offense #: 1 <input type="checkbox"/> 3 <input type="checkbox"/> 5 <input type="checkbox"/> 2 <input type="checkbox"/> 4 <input type="checkbox"/> | | Offender/Arrestee Used: A <input type="checkbox"/> Alcohol D <input type="checkbox"/> Drugs C <input type="checkbox"/> Computer Equipment N <input type="checkbox"/> Not Applicable G <input type="checkbox"/> Gaming Activity Motive of Crime | | <input type="checkbox"/> Multiple Clearance <input type="checkbox"/> Count Arrestee <input type="checkbox"/> Not Applicable | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Arrestee Ethnicity: H <input type="checkbox"/> Hispanic U <input type="checkbox"/> Unknown N <input type="checkbox"/> Non-Hispanic | | Resident Status: R <input checked="" type="checkbox"/> Resident U <input type="checkbox"/> Unknown N <input type="checkbox"/> Nonresident | | Injury Type: N/A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Juvenile Status Offender: <input type="checkbox"/> Run Away <input type="checkbox"/> Truant <input type="checkbox"/> Ungovernable <input type="checkbox"/> FINS Report Filed | | Disposition of Arrestee Under 17: D <input type="checkbox"/> Handled Within Department J <input type="checkbox"/> Referred to Juvenile Court or Probation Dept. W <input type="checkbox"/> Referred to Welfare Agency P <input type="checkbox"/> Referred to Other Police Agency A <input type="checkbox"/> Referred to Criminal or Adult Court | | Medical Treatment/Hospitalized at: Transported by: Parents Notified: Yes <input type="checkbox"/> No <input type="checkbox"/> Released to Parents: Yes <input type="checkbox"/> No <input type="checkbox"/> Agency Referred to: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hate / Bias Motivation of Offender/Arrestee: # 2 _____ # 3 _____ # 4 _____ # 5 _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="0"><thead><tr><th colspan="2">RACIAL</th><th colspan="2">ETHNICITY/NATIONAL ORIGIN</th><th colspan="2">Disability, Bias</th></tr></thead><tbody><tr><td>11 <input type="checkbox"/> Anti-White</td><td>32 <input type="checkbox"/> Anti-Hispanic</td><td>51 <input type="checkbox"/> Anti-Physical Disability</td><td></td><td></td><td></td></tr><tr><td>12 <input type="checkbox"/> Anti-Black</td><td>33 <input type="checkbox"/> Anti-Other Ethnicity/National Origin</td><td>52 <input type="checkbox"/> Anti-Mental Disability</td><td></td><td></td><td></td></tr><tr><td>13 <input type="checkbox"/> Anti-American Indian/Alaskan Native</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>14 <input type="checkbox"/> Anti-Asian/Pacific Islander</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>15 <input type="checkbox"/> Anti-Multi-Racial Group</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td colspan="2">RELIGIOUS</td><td colspan="2">SEXUAL</td><td colspan="2">OTHER BIAS</td></tr><tr><td>21 <input type="checkbox"/> Anti-Jewish</td><td>41 <input type="checkbox"/> Anti-Male Homosexual (Gay)</td><td>70 <input type="checkbox"/> Age</td><td></td><td></td><td></td></tr><tr><td>22 <input type="checkbox"/> Anti-Catholic</td><td>42 <input type="checkbox"/> Anti-Female Homosexual (Lesbian)</td><td>71 <input type="checkbox"/> Ancestry</td><td></td><td></td><td></td></tr><tr><td>23 <input type="checkbox"/> Anti-Protestant</td><td>43 <input type="checkbox"/> Anti-Homosexual (Gay & Lesbians)</td><td>72 <input type="checkbox"/> Creed</td><td></td><td></td><td></td></tr><tr><td>24 <input type="checkbox"/> Anti-Islamic (Moslem)</td><td>44 <input type="checkbox"/> Anti-Heterosexual</td><td>73 <input type="checkbox"/> Gender</td><td></td><td></td><td></td></tr><tr><td>25 <input type="checkbox"/> Anti-Other Religion</td><td>45 <input type="checkbox"/> Anti-Bisexual</td><td>74 <input type="checkbox"/> Organizational Affiliation</td><td></td><td></td><td></td></tr><tr><td>26 <input type="checkbox"/> Multi-Religious Group</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>27 <input type="checkbox"/> Atheism/Agnosticism</td><td></td><td>88 <input type="checkbox"/> None</td><td></td><td></td><td></td></tr><tr><td></td><td></td><td>99 <input type="checkbox"/> Unknown</td><td></td><td></td><td></td></tr></tbody></table> | | | | | | RACIAL | | ETHNICITY/NATIONAL ORIGIN | | Disability, Bias | | 11 <input type="checkbox"/> Anti-White | 32 <input type="checkbox"/> Anti-Hispanic | 51 <input type="checkbox"/> Anti-Physical Disability | | | | 12 <input type="checkbox"/> Anti-Black | 33 <input type="checkbox"/> Anti-Other Ethnicity/National Origin | 52 <input type="checkbox"/> Anti-Mental Disability | | | | 13 <input type="checkbox"/> Anti-American Indian/Alaskan Native | | | | | | 14 <input type="checkbox"/> Anti-Asian/Pacific Islander | | | | | | 15 <input type="checkbox"/> Anti-Multi-Racial Group | | | | | | RELIGIOUS | | SEXUAL | | OTHER BIAS | | 21 <input type="checkbox"/> Anti-Jewish | 41 <input type="checkbox"/> Anti-Male Homosexual (Gay) | 70 <input type="checkbox"/> Age | | | | 22 <input type="checkbox"/> Anti-Catholic | 42 <input type="checkbox"/> Anti-Female Homosexual (Lesbian) | 71 <input type="checkbox"/> Ancestry | | | | 23 <input type="checkbox"/> Anti-Protestant | 43 <input type="checkbox"/> Anti-Homosexual (Gay & Lesbians) | 72 <input type="checkbox"/> Creed | | | | 24 <input type="checkbox"/> Anti-Islamic (Moslem) | 44 <input type="checkbox"/> Anti-Heterosexual | 73 <input type="checkbox"/> Gender | | | | 25 <input type="checkbox"/> Anti-Other Religion | 45 <input type="checkbox"/> Anti-Bisexual | 74 <input type="checkbox"/> Organizational Affiliation | | | | 26 <input type="checkbox"/> Multi-Religious Group | | | | | | 27 <input type="checkbox"/> Atheism/Agnosticism | | 88 <input type="checkbox"/> None | | | | | | 99 <input type="checkbox"/> Unknown | | | |
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| 26 <input type="checkbox"/> Multi-Religious Group | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Deputy's Name: Sgt. Doug Smith #1524 | | Supervisor's Name: <i>Hymy McDaniel</i> | | Date of Report: 6/13/19 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | Date of Incident: 2/1/18 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Caddo Parish Sheriff's Office
Supplemental Report

2018-000-26114

Case Number

| | | | | | |
|----------------|-----------------|-------------------------|--------|--------------------|--------------------|
| Victim #1 Name | Last | First | Middle | Date of Occurrence | Nature of Incident |
| | 2 nd | Circuit Court of Appeal | | 2/1/18 | Computer Tampering |

Narrative:

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On 8/22/18, I was asked to meet with Lillian Richie, Judicial Administrator for the Louisiana 2nd Circuit Court of Appeals in reference to a possible computer tampering incident involving Trina Chu, A/F, 4/3/74. Richie explained to me that Chu was hired in February of 2018 as a law clerk for Chief Judge Henry Brown. Around this same time a case she referred to as "The Succession of Houston" was brought before the 2nd Circuit. One of the parties in the case was Hanh Williams who Judge Brown has had a long term relationship with and who Trina Chu is close friends with. As a result, Judge Brown immediately recused himself from the case.

Richie said that on 8/7/18, she was approached by Becky Filippo, another employee of the 2nd Circuit. Filippo said she found a large copy job, partially printed on the office Xerox network printer. The Xerox had stopped printing at some point the previous evening when the machine ran out of toner. When Filippo replaced the toner, the job in the print queue continued. Filippo noticed that the documents from the print job were all related to the Succession of Houston. Further, the face sheet for the print job indicated it had been printed by Trina Chu.

Richie said that as Judge Brown's law clerk, Chu had no business accessing court documents concerning a case her judge had recused himself from. She met with Trina on 8/8/18 and provided her with a memo explaining this to her as well as the importance of preventing even an appearance that Judge Brown's recusal was breached. Richie provided me with a copy of this memo, signed by her and witnessed by Peggy Littles. Chu signed and wrote the comment, "I didn't realize that my judge's recusal extends to me and I was just interested in the case."

Then, on 8/13/18, Chu sent an email to Maurice Williams, head of IT for the 2nd Circuit. In the email Chu told Williams she was having problems with her computer sending documents to the printer without her knowledge. She told him that the previous Tuesday then again on Friday documents were sent to the Xerox printer from her computer without her knowledge. In the email she stated, "I didn't send the printing jobs." Williams responded that he looked into it and didn't find anything wrong with Chu's computer or the Xerox. Richie said this was suspicious because during her counseling on 8/8/18, Chu seemed to acknowledge she had printed the documents, but claimed she didn't realize she shouldn't have been doing so. Then, in her communications with IT, Chu claimed she had not printed the documents.

Around that time, Williams approached Richie and told her that while looking into Chu's complaint, another IT employee, Gil Lozada, noticed she was storing an inordinate amount of data on her G: Drive. Each employee's G: Drive is a private share on the Court's network that only they and IT have access to. Williams told Richie that Chu was storing 17.9 gigabytes on her G: Drive, a much larger amount of data than any other employee. Richie provided me with a printed screen shot given to her by Williams which showed this. Alongside the screen capture of Chu's G: Drive properties were similar captures for three other court employees which Williams provided for comparison. Each of the other three employees were using only a fraction of the space Chu was on their G: Drives.

Richie said when Lozada looked into what was taking up so much space on Chu's G: Drive he found hundreds of folders and documents that had been copied from the court's H: Drive. The H: Drive is a shared network drive that all judges, their law clerks, and other authorized employees have access to. It is for storing

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working documents for deliberations on matters that are before the court and allows judges and those in their suites to access and share notes and documents while they prepare and organize opinions on cases. Richie explained to me that the information stored there is of a sensitive nature and is supposed to remain there. Also, judges have their own folders on the drive in which they store other items not necessarily pertaining to the court. As an example, she told me Judge Cox stores speeches and presentations he gives in his H: Drive folder. In comparing the information on Chu's G: Drive to the H: Drive, it appeared to Lozada that Chu had copied the entire H: Drive to her personal G: Drive.

Additionally, among the folders on Chu's G: Drive was one titled, "From H as of April 27", and another simply titled, "from H drive". Richie took this to indicate Chu had been copying the contents of the H: Drive to her personal share at regular intervals for some time.

During Lozada's examination, he also found what appeared to be a folder on Chu's computer desktop with the same name as one of the folders copied to Chu's G: Drive from the H: Drive. However, when Williams looked at the folder, he found that it was in fact a shortcut pointing to a folder by that name on a removable drive that had been plugged into Chu's desktop computer. This indicated Chu had been transferring files she copied from the H: Drive to a removable drive.

Richie told me the court posted its opinion in the Succession of Houston on 8/15/18. As soon as the opinion was posted, she sent an email to all of the judges informing them of this situation. Shortly afterward, the judges met to discuss the matter and Chu's employment was terminated as a result.

Richie told me that following Chu's termination, the IT department reviewed her 2nd Circuit Court email account in an effort to learn of any further potential breaches of data security. In doing so they found an email sent from her account to chu_trina@hotmail.com at 8:06 PM on 7/19/18. Richie provided me with a printed version of the email. It had no subject line and no text, but did have three Word documents attached. All three documents had names which included the docket number 52,181-CA, which is the docket number for the Succession of Houston. Richie provided me with printed versions of the documents attached to the email which had all originated from the court H: Drive. Richie also provided me with a copy of the bailiff's Door Log Sheet for 7/19/18, completed by Dep. Virgil Roberson. The log indicates that at 2000 Roberson found the door to Judge Brown's suite unsecured and Trina Chu present.

At the end of our meeting, Richie provided me with a USB drive which she told me contained all the documents Lozada and Williams found on Chu's G: Drive.

On the day after my meeting with Lillian Richie I met with Maurice Williams and Gil Lozada. Both of them gave statements consistent with what I had been told by Lillian Richie the day before. In discussing the shortcut on Chu's computer desktop which pointed to a removable drive, they told me the drive was not present and accessible at the time they investigated the computer so they could not say with certainty that the contents of the H: Drive had been copied to it. However, the folder name on the missing removable drive was identical to the folder found on Chu's G: Drive which contained the documents copied from the H: Drive.

I asked what had been done with Chu's court-owned desktop computer and Williams told me that following her termination he removed the computer from Judge Brown's suite and locked it in the server room in the IT office.

On 8/27/18, I spoke with Lillian Richie by phone and requested permission to forensically examine Chu's computer. Richie agreed and I recovered the computer from Maurice Williams later that day. The device was a Dell Optiplex 9010 bearing service tag FP61HX1. I transported it to the Caddo Sheriff's Office Criminal Investigations Division. On 8/28/18, I obtained a forensic image of the computer using certified equipment and software I have been trained to use.

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On 8/29/18, I conducted an examination of the forensic image I obtained from Chu's computer the day before. I located the email I had previously been provided a copy of, sent from Chu's 2nd Circuit Court account to chu_trina@hotmail.com and verified it contained the three attached files regarding the Succession of Houston which had been copied from the H: Drive. I also located an email sent from Chu's 2nd Circuit Court account to chutrina@gmail.com. This email was titled "Work jump drive lock key code". It appeared to contain an alphanumeric decryption key. I took this to indicate Chu had encrypted a removable drive, possibly the drive onto which she copied material from the court H: Drive.

During my examination I also found shortcuts pointing to folders named "F:\2nd Circuit Work 4" and "F:\2nd Circuit Work 4\H W appeal". For comparison, I connected the USB drive provided to me by Richie to a hardware write blocker and reviewed it. On it I found copies of folders with these same names. They contained numerous documents from the H: Drive including documents relating to the Succession of Houston.

I also found several lengthy documents which appeared to be the result of Westlaw research that Chu had done, one of which was named, "combined finds hanh". This indicates to me that Chu had performed legal research on behalf of Hanh Williams using her 2nd Circuit Court computer. I found these same documents on the USB drive which contained the copy of Chu's G: Drive.

Also on the USB drive were hundreds of 2nd Circuit Court documents. Among them were .PDF files which appeared to be scans of all public documents relating to the Succession of Houston.

When I recovered Chu's computer from Maurice Williams, he also provided me with a copy of the 2nd Circuit Court of Appeals Policy and Procedures For Use of Computer and Electronic Communications. I had previously been advised by Lillian Richie that Trina Chu was issued this policy when she was hired and that a signed acknowledgement of receipt was in her human resources file.

In reviewing the policy I found that among a list of prohibited activities was: "Use of office computers to connect to personal Internet accounts for the purpose of transferring/storing legal documents within the scope of the interests of the court" and "Sending electronic information to court employees or to others outside the court which is confidential, discriminatory, or derogatory".

On 8/31/18, I obtained a search warrant, signed by Judge Dorroh, for the email account "chu_trina@hotmail.com", which I then submitted to Microsoft, owner of the Hotmail email service. I received a response to the search warrant from Microsoft on 10/12/18. Included in this response was account holder information for the account indicating it was registered to Trina Chu as well as all emails located in the "chu_trina@hotmail.com" Inbox and Sent Items.

In reviewing the emails I found the email from Trina Chu's 2nd Circuit email account which included three attachments: the distribution sheet for case 52181-CA (the Succession of Houston), which included comments on the pending opinion, what appeared to be the face sheet for the opinion, and the law clerk's PreArg Memorandum. These were all documents which originated on the 2nd Circuit's H:\ Drive.

I also found two sent emails in the account, both of which had the above three documents attached to them. One was addressed to williamshanh@gmail.com and the other was addressed to hanhthai@yahoo.com. Also included in the sent emails folder and inbox were thirteen more emails, often including attachments, addressed to hanhthai@yahoo.com which appeared to be Trina Chu providing legal strategies for Hanh Williams to pass on to her attorney. Many of the attachments seemed to be legal documents drafted by Chu for Williams' case. There were also excerpts from court transcripts pertaining to Williams' case.

In one email sent to hanhthai@yahoo.com on 6/10/18, Chu attached two documents, one titled "Motion for reconsideration of denial of a writ app for Hanh T Williams5.docx", and another titled "Letter to clerk of

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court to supplement case5 (2).docx". In the body of the email, Chu wrote in part, "Make sure you cut and paste into a new Word document before emailing to Bowie."

Also, there was another email sent to hanhthai@yahoo.com and hanhtwilliams@gmail.com on 7/25/18 which included an attachment titled, "peremptory exception of no right of action and no cause of action and memorandum of law.docx". In the body of the email, Chu wrote in part, "You can send this document to him as is because it has no information that can be traced back to me on the document. Save it to a jump drive and give it him so he won't have to type much."

On 10/19/18, I obtained search warrants, signed by Judge Brunn, for the email accounts hanhthai@yahoo.com and hanhtwilliams@gmail.com and submitted them both. On 11/17/18, I received the response from Google to the hanhtwilliams@gmail.com account. Over the following weeks I reviewed the emails included in the Google response. During that review, I located the emails sent by Trina Chu to the account which included the 2nd Circuit Court documents. I found no indication those documents were forwarded on to anyone else by Hanh Williams. Several weeks later, I received the response from Yahoo for the hanhthai@yahoo.com account. Similarly, I reviewed those emails and found the documents sent by Trina Chu but saw no indication they were forwarded on from that account. I also found no mention of the documents by Williams to any other correspondence.

In early 2019, I attempted to contact Trina Chu by phone. I left a voicemail requesting a return phone call and a short time later was contacted by attorney Lee Harville who said he represented Chu. I explained I was investigating a case for the 2nd Circuit Court and wanted to sit down with Chu for an interview. Harville told me he would discuss it with his client and get back with me. Several days passed without my hearing from Harville so I called him back. Harville told me Ms. Chu had secured other counsel and he was no longer representing her. He directed me to her new attorney, Ron Miciotta.

I spoke with Ron Miciotta and he told me Ms. Chu wanted to meet with me. He explained that she had another attorney who was representing her against the Disciplinary Council and he wanted to include him in the interview. Several scheduling issues and delays followed until Chu was finally able to come in for an interview on 5/10/19 with Ron Miciotta, though not her other attorney.

I first completed a Mirand rights waiver form with Chu which she signed, acknowledging she understood her rights and was willing to speak with me. Chu acknowledged that she was long-time friends with Hanh Williams. She told me she was unaware that the case involving Hanh Williams – the Succession of Houston – had been taken up by the 2nd Circuit at the time she began clerking for Judge Brown in February of 2018. She acknowledged she was aware Judge Brown had recused himself from the Succession of Houston when it came to the 2nd Circuit, though she appeared unsure about at what point Judge Brown's recusal had taken place. Chu said she understood that Judge Brown recused himself because he had a close personal relationship with Hanh Williams.

I asked Chu if she and Judge Brown had ever discussed the Succession of Houston case with each other and she was adamant that they never spoke about it at all. She said she did discuss the case with Hanh Williams however, who used Chu as a sounding board for second opinions about the legal guidance she was receiving from her attorneys. I asked Chu if Judge Brown had ever asked her to retrieve any documents for him that related to the Succession of Houston and she was again adamant that he had not.

I asked Chu about the documents that had been found on the network printer in August which were printed with her face sheet. I asked if she had printed the documents and Chu said she didn't think she had. Chu confirmed she had been counseled by Lillian Richie about the incident and said she did not realize Judge Brown's recusal affected her because she was not in a position to influence the case.

Chu described continued issues she had with documents from other cases being sent to the printer

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unintentionally. She said she emailed Maurice Williams in IT about the continuing printing issues. She said she was asked to leave shortly afterward, before the printing issues could be resolved.

I asked Chu about the 2nd Circuit's H: drive and G: drive and she displayed an understanding of the difference between the two and what they were meant to be used for. I asked why so much of the content of the H: drive had been copied to her G: drive. She said she wanted to be able to read the contents of the H: drive whenever she had time. I asked why she couldn't just read the documents from the H: drive and she said sometimes people would delete things from the H: drive before she could read them and she wanted to be able to read draft opinions before that happened.

I asked Chu if, when she was hired at the 2nd Circuit, she had been given a copy of the Policy and Procedures for use of Computer and Electronic Communications. Chu said they had given her a lot of documents. I showed her a copy of the Acknowledgement of Receipt of the policy with her signature and she agreed she had signed for it. I pointed out to her that the policy specifically said that the G: drive was for the storage of personal documents and not to be used for court documents. Chu told me that while she had signed acknowledging she received the policy, she had not actually read it until after she was terminated from the 2nd Circuit.

I asked Chu if she had ever copied any of the documents on her G: drive to a personal removable drive and she said she had. She told me she didn't always have time to read everything she wanted to at work so she would take them home the way some people used a briefcase to carry documents back and forth to work. She said she never stored the documents on her home computer, but would read them from the jump drive. I asked if she ever shared the documents with anyone else and she said she had not. She told me she understood the confidentiality of the court and wouldn't do that.

I asked Chu about the email sent on July 9th from her work email account to chu trina@hotmail.com. Chu admitted that was her personal email account. I pointed out that the email had three documents attached to it which all pertained to Hanh Williams' case and asked her why she sent them to herself. She said thought she didn't have her jump drive with her that night so she sent them to herself by email. I showed Chu printed copies of the three documents and she acknowledged they were the items she emailed to herself. I asked why she was interested in those specific documents and she said she wanted to see how the case was going and understand how the judges were forming their opinion on it. I asked if she had forwarded the documents to anyone else and Chu said she didn't think she had.

I showed Chu a copy of the email, forwarded from her Hotmail account to williamshanh@gmail.com and asked if she remembered sending it. Chu seemed unsure and couldn't give a clear answer. She eventually said she didn't really remember sending it, but that if it said she did then she had. I asked why she sent the documents to Hanh Williams and Chu said she couldn't remember why she sent Hanh Williams the documents.

I asked Chu if she agreed that the documents she sent were court documents and she said she viewed them as public information that anyone could see. I asked her if that meant she thought that anyone off the street could come to the 2nd Circuit and get a copy of them. Chu said she didn't know but she thought you could request a copy of just about anything up there. She said again that she thought it was public information so if a person were to request any and all documents related to the case, they would give it to them. She told me she didn't consider the documents in question to be sensitive, that she felt the opinion itself was the only sensitive document. I asked Chu if she sent the documents to anyone other than Hanh Williams and she said she had not.

I asked Chu about photos of the public filings for the Hanh Williams case she had emailed to herself in March and she said she didn't remember doing that. I asked her if she was giving Williams legal advice during her time at the 2nd Circuit or acting as her attorney and Chu said she was not. She told me she was just

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acting as a sounding board for Williams who had several attorneys working for her already.

I asked about the email sent on 6/10/18 from her Hotmail account to Hanh Williams to which were attached the documents, "Motion for reconsideration of denial of a writ app for Hanh T Williams5.docx" and titled "Letter to clerk of court to supplement case5 (2).docx". I asked why, in the email, she directed Williams to cut and paste the documents into another document before sending them on to her attorney. She said she thought Williams had sent her some documents to review and she wanted Williams to cut and paste the documents so it was Williams and her attorneys, not Chu, who was doing the work.

I asked Chu about the 7/25/18 email she sent to Hanh Williams to which was attached the document titled, "peremptory exception of no right of action and no cause of action and memorandum of law.docx". She acknowledged that she remembered sending the document to Williams after editing and revising it. I asked why she told Williams in the email that she could send the document as is because it could not be traced back to her. Chu said Williams has her own lawyers and she did not want Williams' lawyers to feel like Chu was undermining them. I attempted to clarify whether or not Chu had created this document for Williams and Chu admitted she had written the document herself.

I asked Chu about the Google Drive link she sent to Williams which lead to .pdf files of all the public filings in Williams' case. Chu said she didn't specifically remember sending the link but if the email said she did, then she must have. When I provided more detail about the email exchange, Chu remembered scanning the documents and sending them to Williams.

I asked Chu about several emails I found in which she sent Westlaw research and links to Williams. She told me she sent case law to Williams for cases she found interesting and which pertained to Williams. She told me she used the 2nd Circuit's Westlaw account to find the information she forwarded to Williams. She said she didn't remember if she performed the Westlaw research for Williams while she was at work or while she was at home. I asked if she was allowed to use the Westlaw account for Williams' case and she said she thought she was allowed to do it. She saw it as a fringe benefit.

Chu told me she felt like Jennifer Brown, another law clerk at the 2nd Circuit, felt threatened by Chu and all of this was because Jennifer didn't want her there. She said Judge Brown went through numerous law clerks because Jennifer Brown would run them off. Chu said Jennifer Brown is close with Becky Flipo and they were trying to get rid of her together.

I asked if there had been any other documents relating to Hanh Williams' case that she had taken home or sent to Williams. Chu said didn't know, that it had all happened a long time ago and she had tried to put it all behind her.

I asked if there was anything else Chu wanted to add to her statement. She said "those ladies" are vicious. She said it wasn't enough for them that she had lost her job. I asked if she felt like she had done anything wrong and she said she did not. At that point, I ended the interview.

Investigation to continue.

2018 000 81072

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|---|---|-----------------------|------------------------|
| Disposition: <input type="checkbox"/> Unfounded <input type="checkbox"/> Cleared By Arrest <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Administrative <input type="checkbox"/> Exceptional <input type="checkbox"/> Death Of Offender <input type="checkbox"/> Prosecution Denied <input type="checkbox"/> Extradition Denied <input type="checkbox"/> Refused To Cooperate <input type="checkbox"/> Juvenile No Custody <input type="checkbox"/> Other <input type="checkbox"/> Not Applicable Date Cleared _____ | Reporting Deputy Sgt. Doug Smith | Comm # 1524 | Date 6/13/19 |
| | Supervisor MTM | Comm # 349 | Date 6-13-19 |
| | Review Deputy MTM | Comm # 349 | Date 6-13-19 |
| | Copies To: <input type="checkbox"/> DA <input type="checkbox"/> IA <input type="checkbox"/> OCD <input type="checkbox"/> Coroner <input type="checkbox"/> CID <input type="checkbox"/> Juvenile Court <input type="checkbox"/> Other _____ | | |

Caddo Parish Sheriff's Office
Supplemental Report

LL ✓ 6-21-19
2018-000-26114

Case Number

| | | | | | |
|----------------|-------------------------|-------|--------|--------------------|--------------------|
| Victim #1 Name | Last 2 nd | First | Middle | Date of Occurrence | Nature of Incident |
| | Circuit Court of Appeal | | | 2/1/18 | Computer Tampering |

Narrative:

Page 1 of

During the course of this investigation, I have been unable to locate evidence substantial enough to prove the commission of Computer Tampering or the violation of any other criminal statute by the suspect, Trina Chu.

This case will be administratively closed.

Disposition:

- | | |
|--|---|
| <input type="checkbox"/> Unfounded | A <input type="checkbox"/> Death Of Offender |
| <input type="checkbox"/> Cleared By Arrest | B <input type="checkbox"/> Prosecution Denied |
| <input type="checkbox"/> Pending | C <input type="checkbox"/> Extradition Denied |
| <input checked="" type="checkbox"/> Administrative | D <input type="checkbox"/> Refused To Cooperate |
| <input type="checkbox"/> Exceptional | E <input type="checkbox"/> Juvenile No Custody |
| | O <input type="checkbox"/> Other |
| | N <input type="checkbox"/> Not Applicable |

Date Cleared 6-20-19

Reporting Deputy

Sgt. Doug Smith

Comm #

1524

Date

6/20/19

Supervisor

At M J M Daniel

Comm #

348

Date

6-20-19

Review Deputy

MTM

Comm #

Date

Copies To:

- | | | | |
|------------------------------|---|--------------------------------|----------------------------------|
| <input type="checkbox"/> DA | <input type="checkbox"/> IA | <input type="checkbox"/> OCI | <input type="checkbox"/> Coroner |
| <input type="checkbox"/> CID | <input type="checkbox"/> Juvenile Court | <input type="checkbox"/> Other | |

Affiant says that he has probable cause to believe that the above-listed information to be seized is now concealed and located within the Google account through records, based upon the following facts:

Affiant is Detective Doug Smith of the Caddo Parish Sheriff's Office. Affiant began his career with the Caddo Parish Sheriff's Office in 2002 and for the past seven years has been assigned to the Caddo Shreveport Financial Crimes Task Force. Affiant became Louisiana P.O.S.T. certified in 2002 and has since received specialized training in investigative techniques, interview and interrogations, and numerous other law enforcement related courses. For two years, Affiant has also served as a federally sworn Task Force Officer for the Federal Bureau of Investigation New Orleans Cyber Task Force and has received specialized training in cyber investigations as well as computer and cell phone forensics. Affiant has participated in hundreds of criminal investigations involving cyber and financial crimes including but not limited to computer tampering, wire fraud, bank fraud, identity theft, forgery, counterfeiting, embezzlement, credit card fraud, and theft.

On 8/22/18, I was asked to meet with Lillian Richie, Judicial Administrator for the Louisiana 2nd Circuit Court of Appeals in reference to a possible computer tampering incident involving Trina Chu, A/F, 4/3/74. Richie explained to me that Chu was hired in February of 2018 as a law clerk for Chief Judge Henry Brown. Around this same time a case she referred to as "The Succession of Houston" was brought before the 2nd Circuit. One of the parties in the case was Hanh Williams who Judge Brown has had a long term relationship with and who Trina Chu is close friends with. As a result, Judge Brown immediately recused himself from the case.

Richie said that on 8/7/18, she was approached by Becky Filippo, another employee of the 2nd Circuit. Filippo said she found a large copy job, partially printed on the office Xerox network printer. The Xerox had stopped printing at some point the previous evening when the machine ran out of toner. When Filippo replaced the toner, the job in the print queue continued. Filippo noticed that the documents from the print job were all related to the Succession of Houston. Further, the face sheet for the print job indicated it had been printed by Trina Chu.

Richie said that as Judge Brown's law clerk, Chu had no business accessing court documents concerning a case her judge had recused himself from. She met with Trina on 8/8/18 and provided her with a memo explaining this to her as well as the importance of preventing even an appearance that Judge Brown's recusal was breached. Richie provided me with a copy of this memo, signed by her and witnessed by Peggy Littles. Chu signed and wrote the comment, "I didn't realize that my judge's recusal extends to me and I was just interested in the case."

Then, on 8/13/18, Chu sent an email to Maurice Williams, head of IT for the 2nd Circuit. In the email Chu told Williams she was having problems with her computer sending documents to the printer without her knowledge. She told him that the previous Tuesday then again on Friday documents were sent to the Xerox printer from her computer without her knowledge. In the email she stated, "I didn't send the printing jobs." Williams responded that he looked into it and didn't find anything wrong with Chu's computer or the Xerox. Richie said this was suspicious because during her counseling on 8/8/18, Chu seemed to acknowledge she had printed the documents, but claimed she didn't realize she shouldn't have been doing so. Then, in her communications with IT, Chu claimed she had not printed

the documents.

Around that time, Williams approached Richie and told her that while looking into Chu's complaint, another IT employee, Gil Lozada, noticed she was storing an inordinate amount of data on her G: Drive. Each employee's G: Drive is a private share on the Court's network that only they and IT have access to. Williams told Richie that Chu was storing 17.9 gigabytes on her G: Drive, a much larger amount of data than any other employee. Richie provided me with a printed screen shot given to her by Williams which showed this. Alongside the screen capture of Chu's G: Drive properties were similar captures for three other court employees which Williams provided for comparison. Each of the other three employees were using only a fraction of the space Chu was on their G: Drives.

Richie said when Lozada looked into what was taking up so much space on Chu's G: Drive he found hundreds of folders and documents that had been copied from the court's H: Drive. The H: Drive is a shared network drive that all judges, their law clerks, and other authorized employees have access to. It is for storing working documents for deliberations on matters that are before the court and allows judges and those in their suites to access and share notes and documents while they prepare and organize opinions on cases. Richie explained to me that the information stored there is of a sensitive nature and is supposed to remain there. Also, judges have their own folders on the drive in which they store other items not necessarily pertaining to the court. As an example, she told me Judge Cox stores speeches and presentations he gives in his H: Drive folder. In comparing the information on Chu's G: Drive to the H: Drive, it appeared to Lozada that Chu had copied the entire H: Drive to her personal G: Drive.

Additionally, among the folders on Chu's G: Drive was one titled, "From H as of April 27", and another simply titled, "from H drive". Richie took this to indicate Chu had been copying the contents of the H: Drive to her personal share at regular intervals for some time.

During Lozada's examination, he also found what appeared to be a folder on Chu's computer desktop with the same name as one of the folders copied to Chu's G: Drive from the H: Drive. However, when Williams looked at the folder, he found that it was in fact a shortcut pointing to a folder by that name on a removable drive that had been plugged into Chu's desktop computer. This indicated Chu had been transferring files she copied from the H: Drive to a removable drive.

Richie told me the court posted its opinion in the Succession of Houston on 8/15/18. As soon as the opinion was posted, she sent an email to all of the judges informing them of this situation. Shortly afterward, the judges met to discuss the matter and Chu's employment was terminated as a result.

Richie told me that following Chu's termination, the IT department reviewed her 2nd Circuit Court email account in an effort to learn of any further potential breaches of data security. In doing so they found an email sent from her account to chu_trina@hotmail.com at 8:06 PM on 7/19/18. Richie provided me with a printed version of the email. It had no subject line and no text, but did have three Word documents attached. All three documents had names which included the docket number 52,181-CA, which is the docket number for the Succession of Houston. Richie provided me with printed versions of the documents attached to the email which had all originated from the court H: Drive. Richie also provided me with a

copy of the bailiff's Door Log Sheet for 7/19/18, completed by Dep. Virgil Roberson. The log indicates that at 2000 Roberson found the door to Judge Brown's suite unsecured and Trina Chu present.

At the end of our meeting, Richie provided me with a USB drive which she told me contained all the documents Lozada and Williams found on Chu's G: Drive.

On the day after my meeting with Lillian Richie I met with Maurice Williams and Gil Lozada. Both of them gave statements consistent with what I had been told by Lillian Richie the day before. In discussing the shortcut on Chu's computer desktop which pointed to a removable drive, they told me the drive was not present and accessible at the time they investigated the computer so they could not say with certainty that the contents of the H: Drive had been copied to it. However, the folder name on the missing removable drive was identical to the folder found on Chu's G: Drive which contained the documents copied from the H: Drive.

I asked what had been done with Chu's court-owned desktop computer and Williams told me that following her termination he removed the computer from Judge Brown's suite and locked it in the server room in the IT office.

On 8/27/18, I spoke with Lillian Richie by phone and requested permission to forensically examine Chu's computer. Richie agreed and I recovered the computer from Maurice Williams later that day. The device was a Dell Optiplex 9010 bearing service tag FP61HX1. I transported it to the Caddo Sheriff's Office Criminal Investigations Division. On 8/28/18, I obtained a forensic image of the computer using certified equipment and software I have been trained to use.

On 8/29/18, I conducted an examination of the forensic image I obtained from Chu's computer the day before. I located the email I had previously been provided a copy of, sent from Chu's 2nd Circuit Court account to chu_trina@hotmail.com and verified it contained the three attached files regarding the Succession of Houston which had been copied from the H: Drive. I also located an email sent from Chu's 2nd Circuit Court account to chutrina@gmail.com. This email was titled "Work jump drive lock key code". It appeared to contain an alphanumeric decryption key. I took this to indicate Chu had encrypted a removable drive, possibly the drive onto which she copied material from the court H: Drive.

During my examination I also found shortcuts pointing to folders named "F:\2nd Circuit Work 4" and "F:\2nd Circuit Work 4\H W appeal". For comparison, I connected the USB drive provided to me by Richie to a hardware write blocker and reviewed it. On it I found copies of folders with these same names. They contained numerous documents from the H: Drive including documents relating to the Succession of Houston.

I also found several lengthy documents which appeared to be the result of Westlaw research that Chu had done, one of which was named, "combined finds hanh". This indicates to me that Chu had performed legal research on behalf of Hanh Williams using her 2nd Circuit Court computer. I found these same documents on the USB drive which contained the copy of Chu's G: Drive.

Also on the USB drive were hundreds of 2nd Circuit Court documents. Among them were .PDF files which appeared to be scans of all public documents relating to the Succession of Houston.

When I recovered Chu's computer from Maurice Williams, he also provided me with a copy of the 2nd Circuit Court of Appeals Policy and Procedures For Use of Computer and Electronic Communications. I had previously been advised by Lillian Richie that Trina Chu was issued this policy when she was hired and that a signed acknowledgement of receipt was in her human resources file.

In reviewing the policy I found that among a list of prohibited activities was: "Use of office computers to connect to personal Internet accounts for the purpose of transferring/storing legal documents within the scope of the interests of the court" and "Sending electronic information to court employees or to others outside the court which is confidential, discriminatory, or derogatory".

On 8/31/18, I obtained a search warrant, signed by Judge Dorroh, for the email account "chu_trina@hotmail.com", which I then submitted to Microsoft, owner of the Hotmail email service. I received a response to the search warrant from Microsoft on 10/12/18. Included in this response was account holder information for the account indicating it was registered to Trina Chu as well as all emails located in the "chu_trina@hotmail.com" Inbox and Sent Items.

In reviewing the emails I found the email from Trina Chu's 2nd Circuit email account which included three attachments: the distribution sheet for case 52181-CA (the Succession of Houston), which included comments on the pending opinion, what appeared to be the face sheet for the opinion, and the law clerk's PreArg Memorandum. These were all documents which originated on the 2nd Circuit's H:\ Drive.

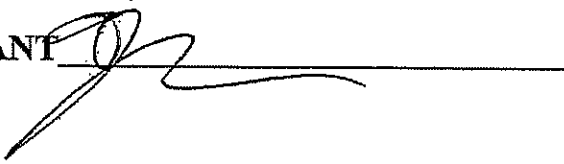
I also found two sent emails in the account, both of which had the above three documents attached to them. One was addressed to williamshanh@gmail.com and the other was addressed to hanhthai@yahoo.com. Also included in the sent emails folder and inbox were thirteen more emails, often including attachments, addressed to hanhthai@yahoo.com which appeared to be Trina Chu providing legal strategies for Hanh Williams to pass on to her attorney. Many of the attachments seemed to be legal documents drafted by Chu for Williams' case. There were also excerpts from court transcripts pertaining to Williams' case.

In one email sent to hanhthai@yahoo.com on 6/10/18, Chu attached two documents, one titled "Motion for reconsideration of denial of a writ app for Hanh T Williams5.docx", and another titled "Letter to clerk of court to supplement case5 (2).docx". In the body of the email, Chu wrote in part, "Make sure you cut and paste into a new Word document before emailing to Bowie."

Also, there was another email sent to hanhthai@yahoo.com and hanhtwilliams@gmail.com on 7/25/18 which included an attachment titled, "peremptory exception of no right of action and no cause of action and memorandum of law.docx". In the body of the email, Chu wrote in part, "You can send this document to him as is because it has no information that can be traced back to me on the document. Save it to a jump drive and give it him so he won't have to type much."

In conclusion, based on the foregoing information, the affiant requests that a search warrant be issued for the Google account associated with e-mail address "williamshanh@gmail.com".

AFFIANT



SWORN TO AND SUBSCRIBED before me this 19 day of oct, 2018 at approximately 0945 hours.

JUDGE





State of Louisiana
Court of Appeal, Second Circuit

**POLICY AND PROCEDURES FOR USE OF COMPUTER
AND ELECTRONIC COMMUNICATIONS** Adopted by Court

Conference February 27, 2003
Amended by Court Conference April 3, 2014
Amended by Court Conference April 5, 2018

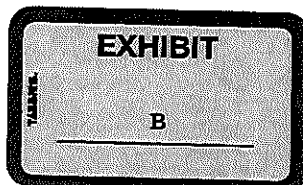
The purpose of this policy is to ensure that computers, electronic equipment and smart devices, Internet and e-mail access, voice mail, text messages and other forms of electronic communications furnished by the state are used by employees in all offices of the Court of Appeal, Second Circuit to improve the efficiency and effectiveness of our programs and services. Each employee has a duty to maintain and enhance the image of the Second Circuit and to use office electronic technology in a productive manner in the performance of the responsibilities of their position. Therefore, this policy is intended to establish guidelines as to the proper use of office computers, smart devices, and electronic communications. This policy applies to all employees of the Court of Appeal, Second Circuit, State of Louisiana. No oral modifications of this policy shall be valid.

POLICY STATEMENT

It is the policy of the Court of Appeal, Second Circuit that state provided computers, electronic equipment and smart devices, Internet access and software programs are to be used only for purposes related to our official business and may not be used for commercial, political or personal gain. In addition, the primary use of e-mail, voice mail, text messages and other electronic communications shall be for official business with the exception of occasional and reasonable personal use as would be expected with telephone usage.

Computers, electronic equipment and smart devices, voice mail, text messages, Internet service, e-mail systems and all e-mail generated using these systems, including their associated backups, and any other electronic communications or equipment and smart devices are the property of the Court of Appeal, Second Circuit, State of Louisiana, and therefore, such equipment, systems, etc., with the exception of smart devices, shall not be removed from the premises without proper authorization from a Supervisory Manager.

All who use Second Circuit computers, electronic equipment and smart devices, voice mail,



text messages, Internet access, e-mail, or other forms of communications are expected to comply with state and federal laws, as well as this and other policies and procedures of the Second Circuit which may apply to the use of equipment or appropriate communication.

Office computers and electronic equipment and smart devices, voice mail, text messages, Internet access, and e-mail shall not be used for writing, producing, sharing, retrieving, transmitting, or receiving any communications or images which are threatening or disruptive, obscene or x-rated, related to gambling or gaming, illegal weapons, terrorist activities, or may be construed as libel, slander, physically threatening, discriminatory or harassing in nature. Communications with derogatory or inflammatory remarks about an individual's race, age, gender, disability, religion, national origin, physical attributes, sexual preferences, political beliefs, or other comments not work-related which would serve to discredit an individual, the Court, or public service are strictly prohibited. Employees are expected to exhibit courtesy and professionalism in all electronic communications.

Employees have no expectation of privacy in connection with the use of state-provided equipment and smart devices or with the transmission, reception or storage of information in this equipment. E-mail is not the users' private property even though passwords or encryption codes may be used for security purposes. Files may be accessed or there may be monitoring of overall network activity as part of routine system maintenance. Furthermore, a specific review of an individual's files and/or activity may be authorized if there is a reasonable suspicion of inappropriate use.

Each employee is responsible for the content of all text, audio, or images written, stored, retrieved, or transmitted through the electronic systems of the Second Circuit. No e-mail, text messages, or other communications may be sent which hides the identity of the sender or represents the sender as someone else. All messages communicated through office systems shall contain the employee's name.

Employees are expected to take certain security measures (such as the use of passwords) to deter potential intruders and prevent misuse of computers, electronic equipment and smart devices, voice mail, text messages, Internet access, and e-mail. Information technology personnel will be assigned to manage password security. Passwords may be released to a supervisor when necessary and in the event of an employee's absence. Court personnel are required to report security problems or misuse of technology or equipment and smart devices to appropriate supervisory personnel and/or management.

Vandalism shall result in immediate disciplinary action up to and including termination. This includes uploading, downloading, or creating computer viruses and/or any malicious or knowing acts which attempt to or actually harm or destroy state-owned equipment, smart

devices, data, processes, systems, etc.

SECURITY FOR ROOMS WITH COMPUTER AND ELECTRONIC EQUIPMENT

Access to areas in which servers, mainframes, and other sensitive computer equipment are housed is restricted to authorized information systems personnel and guests with a business need only.

INTERNET ACCESS AND AUTHORIZATION

Internet access shall be approved based upon the needs of a particular office of the Court or of a particular position's duties and responsibilities. In order for any employee to be authorized to have Internet access capability, he/she must first receive authorization from a supervisory manager as defined in the Human Resource Management Manual.

INTERNET SECURITY GUIDELINES

- (1) All employees who have Internet access authorization share in the responsibility to protect the Court of Appeal, Second Circuit's computer systems, files, and programs. Employees should be careful when downloading any information from the Internet to ensure that no viruses or other disruptive elements are given access to Second Circuit computer systems.
- (2) Employees may not disclose or allow their password to be used by anyone else except to provide their supervisor with this information when they are absent, leave employment, or for other business reasons.
- (3) Employees shall immediately report any breaches of security or incidents of viruses to their supervisor and/or appropriate information systems personnel.

USE OF NETWORK DRIVES

X The Court of Appeal, Second Circuit will provide personal storage for each user in a private directory on the G drive. This private directory is meant for the creation and storage of personal documents and not for documents relating to the court. This directory is private and will not be viewed by other users. However with proper approval from a network administrator or clerk/administrator, information related to the court can be retrieved from a personal directory in the absence of an employee or the termination of a person's employment with the court. This personal directory has a maximum limit of 10 MB that an employee will not be able to exceed. Once an employee reaches this limit, files will have to

be deleted to make room for additional files. This limit will not be applied to the personal directories of judges and their secretaries.

On the date that opinions are rendered, each judge's secretary will copy the opinions, whether published or unpublished, to H:\OPINIONS\[year]. This directory is "read-only," so that once the opinions are moved to that location, they cannot be edited.

INTERNET ACCESS

Access to the Internet is provided to the employees of this court for the sole purpose of facilitating legal research or administrative research in connection with the business of the Court. Any other use of this court resource is subject to the discretion and approval of your immediate judge or supervisor.

Users shall not under any circumstances use the Internet for the following:


- (1) Sending or receiving program files. Program files can contain computer viruses and can bring the entire network down. Discuss any need to download program files with the System Manager.
- (2) Sending or receiving material that would be in violation of the "Human Resource Policies."
- (3) Activities prohibited by La. R.S. 14:90.3 - Gambling by Computer.

EXAMPLES OF PROHIBITED ACTIVITIES

In addition to prohibitions previously discussed herein, the following list is not exhaustive, but includes examples of improper use of computer equipment, smart devices, software, and electronic communications.

- (1) Reconfiguration of computers by unauthorized or untrained personnel, including loading or reloading software such as screen savers, changing system configuration, or removing/adding hardware, causing the computer to become inoperable.
- (2) Registration for services from the Internet which download information to the user's PC or to a server and which are not pertinent to official business of the respective court office.
- (3) Use of office computers to connect to personal Internet accounts for the purpose

of transferring/storing legal documents within the scope of the interests of the court.

- (4) Making a commitment for Internet service that requires subsequent payment without advanced supervisory approval.
- (5) Accessing web sites and/or using software which supports audio and/or video services which congest and degrade network performance. Use for continuing legal education webinars is permitted, but discouraged during court week because of the heavy demand on the network.
- (6) Accessing social media web sites and/or installing software/apps which connect to social media web sites.
- (7) Sending or receiving personal solicitations, such as advertising, that do not pertain to the official business of the Court of Appeal, Second Circuit via the Internet or e-mail, including dissemination of chain letters. E-mail should be used to save time and money by substituting electronic mail for more expensive and time-consuming forms of communications.
- (8) Loading software on office computers without verifiable licenses. This is not only a violation of Second Circuit policy, but a felony as well.
- (9) Loading software on office computers that is legally licensed to the current user of the computer, but not to the Second Circuit. If there is a legitimate need for such software, a court officer or supervisory manager will purchase a legal license for its use. All software should be approved by each office's information systems personnel to ensure network and computer system compatibility, virus protection and detection, license legality, etc., prior to purchase.
- (10) Distributing licensed software to others to be illegally loaded on an office computer.
- (11) Loading software which can be used to scan, access, and disable computers systems or the network.
- (12) Neglecting duty, wasting time, materials and resources, or making monetary charges by using office computers and electronic communications for any reason which is not job-related.
-  (13) Sending electronic information to court employees or to others outside the court which is confidential, discriminatory, or derogatory.

SUPERVISORY RESPONSIBILITY

Supervisors are responsible for:

- (1) Informing all current and new employees of policies and procedures governing the proper use of computer systems, e-mail and related electronic communications and ensuring that employees understand policy provisions and employee responsibilities.
- (2) Reporting security problems, misuse of technology or equipment and smart devices to appropriate supervisory or managerial personnel.
- (3) Requiring all employees with Internet access to sign for a copy of this policy and ensuring that each acknowledgment is returned to the respective court office for filing in the official personnel file.

DEFINITIONS

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- (2) Computing facilities - computing resources, services, and network systems such as computers, smart devices, and computer time, data processing or storage functions, computer systems and services, servers, networks, input/output and connecting smart devices, and related computer records, program software, and documentation.

Subject: no right of action exception and memorandum/brief

From: TRINA CHU <chu_trina@hotmail.com>

Date: 7/25/2018, 3:35 AM

To: hanh thai <hanhthai@yahoo.com>, "hanhtwilliams@gmail.com" <hanhtwilliams@gmail.com>

chi Hanh,

This is an almost final draft. I just need to review the case law and may add summary and analysis of the caselaw and tie them to the facts. And that will be done.

Do you have your affidavit ready? Do you need me to put it in the correct format?

I will now work on the supplemental brief and motion to file supplemental brief or motion to remand.

You need to file all three, nothing to lose. We have to do this by Monday next week. Larry can work over these from now on. You can send this document to him as is because it has no information that can be traced back to me on the document. save it to a jump drive and give it to him so he won't have to type much.

I think Rule 2-12 or so governs all this filing. Here is the link to the rules for filing:
<http://www.la2nd.org/archives/docs/7faa12.pdf>

UNIFORM RULES OF LOUISIANA COURTS OF APPEAL

www.la2nd.org

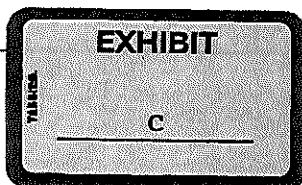
UNIFORM RULES OF LOUISIANA COURTS OF APPEAL Page 3 of 42 (7) the names of counsel, with addresses and phone numbers, and the names of the parties represented; and

Trina Chu, Attorney At Law, 8870 Youree Dr, #217, Shreveport, LA 71115, 318-734-1923; Fax: 888-417-7469, Mailing Address: Trina T. Chu, Attorney At Law, P.O. Box 53364, Shreveport, LA 71135. www.trinachulaw.com.

NOTICE: The content of this email and the documents contained within and accompanying this facsimile contain information from Trina T. Chu, Attorney At Law, which may be confidential and/or legally privileged, and regardless of the nature of the information therein, the facsimile and the documents are intended only for the use of the individual or entity to whom the email and the documents are addressed. If you are not the intended recipient, you are hereby notified that any disclosures, copying, distribution or the taking of any action in reliance upon the contents of this information is strictly prohibited, and that all contents should be destroyed. In this regard, if you have received this facsimile/email in error, please notify us immediately at 888/417-7469 or 318-734-1923. Thank you.

P Please consider the environment before printing this e-mail.

— Attachments: —



From: Hanh Williams <williams.hanh@gmail.com>
Date: 7/23/2018, 10:40 AM
To: Henry Brown <hnbrown@la2nd.org>

Sent from my iPhone

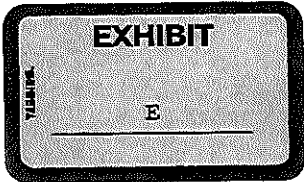
—Attachments:—

52181-CA (TRINA CHU) (TRINA CHU).docx

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| Organize Share with Burn New folder | | | | |
| Favorites | Name | Date modified | Type | Size |
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| Downloads | SI758 Walkerv. Hibson sample backtrak... | 6/19/2018 3:06 PM | File folder | |
| Recent Places | SI619 CA Schauf LLC | 6/19/2018 3:06 PM | File folder | |
| Dropbox | SI930-cw named beneficiary | 6/19/2018 3:06 PM | File folder | |
| | SI961.ca Slaughter | 6/19/2018 4:31 PM | File folder | |
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| | SI371-ca Mercer - en banc rehearing | 7/26/2017 11:23 AM | Adobe Acrobat D... | 304 KB |
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| | SI371-CA-Mercerv DOTD-ILB | 4/25/2018 3:52 PM | Microsoft Word D... | 60 KB |
| 77 items | | | | |



Sent: Tuesday, July 23, 2019 3:32 PM
To: Jeff Mercer <jmercer@jeffmercerllc.com>
Subject: Re: Jeff Mercer, LLC v. State through Department of Transportation and Development

No problem. I hope the breakfast hamburger was good! It's hard to beat a good burger.

Sent from my iPhone

On Jul 23, 2019, at 3:06 PM, Jeff Mercer <jmercer@jeffmercerllc.com> wrote:

Thank you Jennifer. You have been so helpful. I appreciate the extra efforts you've made to help me.

Jeff Mercer
Ph. 318-366-0217

On Jul 23, 2019, at 3:04 PM, Jennifer Brown <jenbrown13198@yahoo.com> wrote:

I couldn't find the case because I wasn't looking for it under your company name, but under your last name. Sorry about that! Here it is.

Sent from my iPhone

Begin forwarded message:

From: Westlaw@westlaw.com
Date: July 23, 2019 at 10:58:14 AM CDT
To: jenbrown13198@yahoo.com
Subject: Jeff Mercer, LLC v. State through Department of Transportation and Development

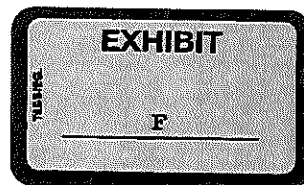
Jennifer Brown sent you content from Westlaw.
Please see the attached file.

Item: Jeff Mercer, LLC v. State through Department of Transportation and Development
Citation: 222 So.3d 1017
Sent On: Tuesday, July 23, 2019
Sent By: Jennifer Brown
Client ID: 52846CA

Note:

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<Jeff Mercer LLC v State through Department of Transportation and Development.pdf>



No: 51371-CA

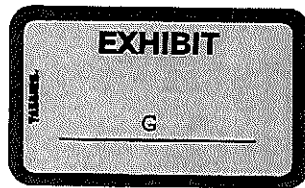
Jay Mercer LLC

vs. State DOTD et al

EXH 9-V (5 SEALED)

STD. 7835-

| DATE | ORG. | DUP. | VOL. | EX. | PSI | SENT TO | BY | DATE RET. |
|----------|------|------|--------------|--------------|-----|------------------|-----|-----------|
| 11-2-16 | ✓ | | ONLY VOL 1-8 | | | Staff - JD check | JNL | 11/10/16 |
| 11-2-16 | | ✓ | 1-19 | 1-4V | | John Saxe | SAC | 12/21/16 |
| 11/15/16 | ✓ | | 1-19 | | | David Daugherty | Plm | 1-24-17 |
| 12/21/16 | | | | 1-4V | | David Daugherty | Plm | 1-24-17 |
| 3-3-17 | | ✓ | 1-19 | | | J. Brown | BP | 4-4 |
| 3/13/17 | ✓ | | 1-19 | 1-4V 5-9V | | G. Garrett | ED | 3-22-17 |
| 3/27/17 | ✓ | | 1-19 | 1-4V 5-9V | | Docket | BA | 7-5-17 |
| 10/9/17 | | ✓ | 1-19 | 1-4V | | David Daugherty | BR | 6/15/17 |
| 8/9/17 | | ✓ | 1-19 | 1-4V | | David Daugherty | 2J | 8/21/17 |
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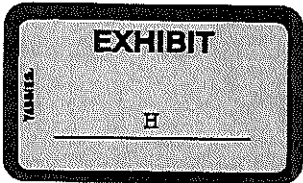
| Brown Authoring Judge on 10 cases Between 4/5/17-6/30/17 | | | | | |
|--|---------------------------|---|-------------|--|-----------|
| 5-Apr-17 | 51.357-CA | Travis Edwards, on Behalf of and as Curator for William T. Edwards | BROWN, C.J. | Affirmed | Ouachita |
| 5-Apr-17 | 51.331-CA | Deborah Allen v. Matthew Humphrey and Imperial Fire and Casualty Insurance Company | BROWN, C.J. | Affirmed | Caddo |
| 5-Apr-17 | 51.218-KA | State of Louisiana v. Timothy Wayne Calhoun | BROWN, C.J. | Convictions Affirmed; As Amended, all Sentences are Affirmed | Ouachita |
| 8-Mar-17 | 51.114-KA | State of Louisiana v. Roy R. Jones | BROWN, C.J. | Judgment of Conviction Vacated, Per Curiam | DeSoto |
| 17-May-17 | 51.338-CA | State of Louisiana v. Willie C. Plater | BROWN, C.J. | Affirmed | Caddo |
| 17-May-17 | 51.272-KA | State of Louisiana v. Christopher Jiarreld Hicks | BROWN, C.J. | Affirmed | Bossier |
| 7-Jun-17 | 51.371-CA | Jeff Mercer, LLC v. State of Louisiana, Through the Department of Transportation and Development, Willis Jenkins, John H. Eason, and Pam Higginbotham | BROWN, C.J. | Reversed and Rendered | Ouachita |
| 21-Jun-17 | 51.411-KA | State of Louisiana v. John Lee Bass | BROWN, C.J. | Conviction Affirmed; Sentence Amended and as Amended, Affirmed; Remanded | Morehouse |
| 21-Jun-17 | 51.393-CA | Curtis Brice v. State Farm Mutual Automobile Insurance Company and Old Republic Insurance Company | BROWN, C.J. | Reversed and Remanded | Caddo |
| 30-Jan-17 | 51.402-CA | Callie Danielle Blake v. Brandon Paul Morris | BROWN, C.J. | Reversed and remanded | Caddo |

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Review

| Brown Reading or third Judge on 16 additional cases Between 4/5/17-6/21/17 | | | | | |
|--|----------------------------|---|--------------------------|--|---------------------------------|
| 5-Apr-17 | 51.191-CA | Mickey McGuinness Quinlan, Mackey Sugar Quinlan and Charles Brian Sugar v. Melissa Sugar-Gold | WILLIAMS, J. | Affirmed in part; reversed in part; remanded with instructions | Caddo |
| 5-Apr-17 | 51.245-CA | Rochundra Garrison, et al. v. State Farm Fire and Casualty Company, et al. | WILLIAMS, J. | Reversed in part; affirmed in part and remanded | Morehouse |
| 5-Apr-17 | 51.247-KA | State of Louisiana v. Frank Frigge McDonald | LOLLEY, J. | Motion to Withdraw Granted; Conviction and Sentence Affirmed | Bossier |
| 5-Apr-17 | 51.241-KA | State of Louisiana v. Randy E. Presentine | PITMAN, J. | Affirmed | Caddo |
| 5-Apr-17 | 51.222-CA | Cheryl Wells v. The Town of Delhi and Chad Dee and Kristie H. Morgan | STONE, J. | Reversed and Remanded | Richland |
| 2-May-17 | 51.238-WCA | Calvin Arrant v. Wayne Acree PLS, Inc., and Louisiana Workers' Compensation Corporation | DREW, J. | Amended, and as amended, affirmed | Ouachita OWC District 1-E |
| 2-May-17 | 51.274-KA | State of Louisiana v. Rashard Neal | COX, J. | Affirmed | Madison |
| 17-May-17 | 51.370-CA | Anthony Zeno, Vanessa Zeno, and Mone't C. Zeno v. Great Southern Coaches of Arkansas, Inc., New Hampshire Insurance Company, Joseph L. Guidry, ANPAC Louisiana Insurance Company, Haymond Insurance Company, ABC Trucking Company, ABC Insurance Company, and XYZ Insurance Company | DREW, J. | Affirmed | Caddo |
| 17-May-17 | 51.330-KA | State of Louisiana v. Raymond Casaday | MOORE, J. | Conviction affirmed. Adjudication as fourth felony offender vacated. Case remanded for further proceedings. Brown, C.J., dissents with written reasons | Bienville |
| 17-May-17 | 51.312-KA | State of Louisiana v. Christopher M. Bell | GARRETT, J. | Affirmed | Caddo |
| 17-May-17 | 51.258-KA | State of Louisiana v. Paul Jacob Norman, II | STONE, J. | Affirmed With Instructions | Bossier |
| 21-Jun-17 | 51.418-KA | State of Louisiana v. Tyrone Joseph Brown | WILLIAMS, J. | Affirmed | Bossier |
| 21-Jun-17 | 51.523-CA | Ashlee Tidwell v. Todd Michael Tidwell | PITMAN, J. | Affirmed | Ouachita |
| 21-Jun-17 | 51.453-CA | Terry Rockett v. Jessie Rockett | GARRETT, J. | Affirmed | Richland |
| 21-Jun-17 | 51.550-CA | Randy Freeman, Jr. v. Adrena Johnson | COX, J. | Affirmed. Pitman, J., dissents with written reasons | Richland |
| 21-Jun-17 | 51.385-KA | State of Louisiana v. Audy W. Keith, Jr. | BLEICH, J. (pro tempore) | Affirmed | Caddo |

Cox was
judge in
lower
court

Brown had a Total of 26 cases counting writng, reading, or third during our case



| Garrett Authoring Judge on 11 cases Between 4/5/17-6/21/17 | | | | | |
|--|-------------------|--|--------------|--|------------------------------|
| 5-Apr-17 | <u>51,260-CW</u> | Sharon Williams, Alisha Wagner, Trenisha Thomas o/b/o Minor Children, Derrick Williams, Jr., Danetria Thomas, Na'Derricka Thomas, and Keona Grant o/b/o Minor Child, Dandria Grant o/b/o Deceased, Derrick Williams v. Lasalle Correctional Center L.L.C. d/b/a Richwood Correctional Center and its Unknown Insurer | GARRETT, J. | Writ Granted and Made Peremptory. Judgment Reversed, Exception of Prescription Granted, and Suit Dismissed | Ouachita |
| 5-Apr-17 | <u>51,228-KA</u> | State of Louisiana v. Ernest Allen Boehm, Jr. | GARRETT, J. | Convictions Affirmed. Sentences Vacated; Remanded for Resentencing | Lincoln |
| 5-Apr-17 | <u>51,238-CA</u> | J. Granger Harriss, IV v. Archives Grill, LLC, James Keefer, Sarah Eve Keefer, and Patrick D. Bell | GARRETT, J. | Affirmed | Caddo |
| 2-May-17 | <u>51,328-WCA</u> | Christopher Gilley v. Gilley Enterprises, Inc. and Liberty Mutual Insurance Company | GARRETT, J. | Affirmed | Ouachita OWC District 1-E |
| 17-May-17 | <u>51,217-KA</u> | State of Louisiana v. Gary Lewis Walker | GARRETT, J. | Affirmed | DeSoto |
| 17-May-17 | <u>51,320-CA</u> | Raymond Doyle Chanler, Jr. and Pamela Turner Chanler v. Jamestown Insurance Company, O'Nealgas, and Roger Moore | GARRETT, J. | Affirmed | Bienville |
| 17-May-17 | <u>51,312-KA</u> | State of Louisiana v. Christopher M. Bell | GARRETT, J. | Affirmed | Caddo |
| 2-Jun-17 | <u>51,511-JAC</u> | State of Louisiana in the Interest of E.M. | GARRETT, J. | Affirmed | Caddo Juvenile Court |
| 7-Jun-17 | <u>51,371-CA</u> | Jeff Mercer, LLC v. State of Louisiana, Through the Department of Transportation and Development, Willis Jenkins, John H. Eason, and Pam Higginbotham | BROWN, C. J. | Reversed and Rendered | Ouachita |
| 21-Jun-17 | <u>51,453-CA</u> | Terry Rockett v. Jessie Rockett | GARRETT, J. | Affirmed | Richland |
| 21-Jun-17 | <u>51,428-KA</u> | State of Louisiana v. Malcolm Jack | GARRETT, J. | Affirmed | Ouachita |

due to De
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Review

| Garrett Reading or third Judge on 18 additional cases Between 4/5/17-6/28/17 | | | | | |
|--|--|--|--------------------------|---|------------------------------|
| 5-Apr-17 | <u>51,333-CA</u> | Jamie Mercer, Individually and on Behalf of Her Deceased Daughter, Anna Celeste Lowe v. Wesley Lowe, Catherine "Cat" Lowe, State of Louisiana Department of Children and Family Services (Formerly Louisiana Department of Social Services), Tameika Monday, Larry C. Dean, Bossier Parish Sheriff, Buddy Caldwell, Attorney General and Louisiana Office of Risk Management | LOLLEY, J. | Affirmed | Bossier |
| 5-Apr-17 | <u>51,291-CA</u> | Tim Barfield, Secretary, Department of Revenue, State of Louisiana v. Diamond Construction Incorporated | PITMAN, J. | Affirmed | Webster |
| 5-Apr-17 | <u>51,215-KA</u> | State of Louisiana v. Deterrance T. Purvis | STONE, J. | Affirmed | Caddo |
| 5-Apr-17 | <u>51,362-CA</u> | Letitia Hoston, et al. v. Richland Parish Hospital Service District 1-B d/b/a Richardson Medical Center | COX, J. | Reversed and Remanded | Richland |
| 12-Apr-17 | <u>51,210-KA</u> | State of Louisiana v. Paul Freeman Logue | DREW, J. | Motion vacated; remanded | Lincoln |
| 2-May-17 | <u>51,274-KA</u> | State of Louisiana v. Rashard Neal | COX, J. | Affirmed | Madison |
| 2-May-17 | <u>51,332-KA</u> | State of Louisiana v. David M. Fleming | STONE, J. | Conviction Affirmed; Sentence Amended and, As Amended, Affirmed; Remanded | Ouachita |
| 17-May-17 | <u>51,237-WCA</u> | Bobby Ehrman v. Graphic Packaging International, Inc. | WILLIAMS, J. | Reversed; judgment rendered approving surgery; remanded | Ouachita OWC District 1-E |
| 17-May-17 | <u>51,378-WCA</u> | Billy Hawkins v. Span Systems, Inc./DPW International Airport OGI and Liberty Mutual Fire Insurance Company | MOORE, J. | Affirmed | Webster OWC District 1-W |
| 17-May-17 | <u>51,364-KA</u> | State of Louisiana v. Kandie Thomas | PITMAN, J. | Affirmed | Franklin |
| 24-May-17 | <u>51,255-KA</u> | State of Louisiana v. Peter Haley | BLEICH, J. (pro tempore) | Affirmed and Remanded | Caddo |
| 15-Jun-17 | <u>51,367-CA</u> <u>51,368-CA</u> <u>51,369-CA</u> | State of Louisiana v. Torris Richardson (Lexington National Insurance Corporation) | PITMAN, J. | Affirmed | Webster |
| 21-Jun-17 | <u>51,393-CA</u> | Curtis Brice v. State Farm Mutual Automobile Insurance Company and Old Republic Insurance Company | BROWN, C. J. | Reversed and Remanded | Caddo |
| 21-Jun-17 | <u>51,418-KA</u> | State of Louisiana v. Tyrone Joseph Brown | WILLIAMS, J. | Affirmed | Bossier |
| 21-Jun-17 | <u>51,489-CA</u> | Countrywide Home Loans, Inc. v. Estate of Iree Sterling Mims Rowe aka Iree S. Rowe | MOORE, J. | Judgment of Dismissal Affirmed, but Amended to be Without Prejudice | Webster |
| 21-Jun-17 | <u>51,473-CA</u> | Derrick Devereux v. Sheena Atkins | PITMAN, J. | Affirmed | Ouachita |
| 21-Jun-17 | <u>51,168-KA</u> | State of Louisiana v. Richard Wayne Mosley | STONE, J. | Conviction Affirmed; Sentence Amended and, As Amended, Affirmed | Caddo |
| 28-Jun-17 | <u>51,408-CA</u> | Betty Brown Trichell v. Billie Ray Maza | DREW, J. | Affirmed | Ouachita |

Garrett had a Total of 29 cases counting writing, reading, or third during our case

| Cox Authoring Judge on 9 cases Between 4/5/17-6/21/17 | | | | | |
|---|--------------------------------------|---|--------------|---|----------|
| 5-Apr-17 | <u>51,228-KA</u> | State of Louisiana v. Rashad Montreal Turner | COX, J. | Amended and, as Amended, Affirmed | Lincoln |
| 5-Apr-17 | <u>51,352-CA</u> | Letitia Hoston, et al. v. Richland Parish Hospital Service District 1-B d/b/a Richardson Medical Center | COX, J. | Reversed and Remanded | Richland |
| 2-May-17 | <u>51,274-KA</u> | State of Louisiana v. Rashard Neal | COX, J. | Affirmed | Madison |
| 2-May-17 | <u>51,352-KA</u> | State of Louisiana v. Frederick Lujan Brown | COX, J. | Affirmed | Caddo |
| 17-May-17 | <u>51,392-CA</u> | Creek Management, LLC v. Unopened Succession and Unknown Heirs or Legatees of Wade Williams, et al. | COX, J. | Reversed and Remanded | Caddo |
| 7-Jun-17 | <u>51,371-CA</u> | Jeff Mercer, LLC v. State of Louisiana, Through the Department of Transportation and Development, Willis Jenkins, John H. Eason, and Pam Higginbotham | BROWN, C. J. | Reversed and Rendered | Ouachita |
| 21-Jun-17 | <u>51,550-CA</u> | Randy Freeman, Jr. v. Adrena Johnson | COX, J. | Affirmed. Pitman, J., dissents with written reasons | Richland |
| 21-Jun-17 | <u>51,475-CA</u> | Hope Barker Singleton v. Johnny Heath Singleton | COX, J. | Affirmed | Ouachita |
| 21-Jun-17 | <u>51,447-KA</u> <u>51,448-KA</u> | State of Louisiana (City of Ruston) v. Rogelio Campos | COX, J. | Affirmed in part and Remanded in part | Lincoln |

due to De
Novo
Review

| Cox Reading or third Judge on 18 additional cases Between 4/5/17-6/28/17 | | | | | |
|--|-------------------|--|--------------------------|---|-----------|
| 5-Apr-17 | <u>51,218-KA</u> | State of Louisiana v. Timothy Wayne Calhoun | BROWN, C. J. | Convictions Affirmed; As Amended, all Sentences are Affirmed | Ouachita |
| 5-Apr-17 | <u>51,245-CA</u> | Rochundra Garrison, et al. v. State Farm Fire and Casualty Company, et al. | WILLIAMS, J. | Reversed in part; affirmed in part and remanded | Morehouse |
| 5-Apr-17 | <u>51,243-CA</u> | Silas Dean, Jr., and Priscilla D. Dean v. State Farm Mutual Automobile Insurance Company | MOORE, J. | Amended and, as Amended, Affirmed | Morehouse |
| 5-Apr-17 | <u>51,316-CA</u> | Lovie Mullen Hammond v. John Floyd Hammond | MOORE, J. | Judgment Amended and, as Amended, Rendered | Ouachita |
| 5-Apr-17 | <u>51,355-CA</u> | Deborah Beebe v. Hollis Charles Larche | LOLEY, J. | Affirmed | Morehouse |
| 5-Apr-17 | <u>50,739-CW</u> | Judy Dove Swaggart v. John Doe, Brett Munson, Regions Bank and ABC Insurance Company | PITMAN, J. | Writ Granted and Made Peremptory; Judgment Reversed; Motion to Stay Pending Arbitration Granted | Ouachita |
| 5-Apr-17 | <u>51,215-KA</u> | State of Louisiana v. Deterrance T. Purvis | STONE, J. | Affirmed | Caddo |
| 17-May-17 | <u>51,213-KA</u> | State of Louisiana v. Bradley Berry | WILLIAMS, J. | Convictions affirmed; sentences affirmed; remanded with instructions | Richland |
| 17-May-17 | <u>51,337-KA</u> | State of Louisiana v. Field Calhoun | DREW, J. | Sentence affirmed; counsel's motion to withdraw granted | Caddo |
| 17-May-17 | <u>51,325-KA</u> | State of Louisiana v. Timothy L. Shaw | PITMAN, J. | Affirmed | Ouachita |
| 17-May-17 | <u>51,312-KA</u> | State of Louisiana v. Christopher M. Ball | GARRETT, J. | Affirmed | Caddo |
| 17-May-17 | <u>51,375-CA</u> | Jane Newman, Individually and on behalf of Clifton Newman, Deceased and Linda Canady, Henry Newman and Darrell Newman v. LSU Health Sciences Center Shreveport and Dr. Patrick Juneau, III, M.D. | STONE, J. | Affirmed | Caddo |
| 2-Jun-17 | <u>51,077-CA</u> | Gloria's Ranch, LLC v. Tauren Exploration, Inc., Cubic Energy, Inc., Wells Fargo Energy Capital, Inc., and EXCO USA Asset, LLC | STONE, J. | Affirmed and additional attorney fees awarded | Caddo |
| 21-Jun-17 | <u>51,411-KA</u> | State of Louisiana v. John Lee Bass | BROWN, C. J. | Conviction Affirmed; Sentence Amended and as Amended, Affirmed; Remanded | Morehouse |
| 21-Jun-17 | <u>51,479-CA</u> | Raynetta Franklin v. Gary Dick, Kenneth Crawford, Ace Cab, LLC, d/b/a Yellow Checker Cab, and its Insured, Imperial Fire& Casualty Insurance Company | DREW, J. | Affirmed | Caddo |
| 21-Jun-17 | <u>51,523-CA</u> | Ashlee Tidwell v. Todd Michael Tidwell | PITMAN, J. | Affirmed | Ouachita |
| 21-Jun-17 | <u>51,350-WCA</u> | Dennis Diel v. Defenders Security Co. and Travelers Property Casualty Insurance Company | STONE, J. | Affirmed. Bleich, J. (Pro Tempore) concurs in the result | Ouachita |
| 28-Jun-17 | <u>51,459-CA</u> | Roger Burchfield and Carol Burchfield v. Forrest H. Wright, M.D. and Willis Knighton Medical Center | BLEICH, J. (pro tempore) | Affirmed, as Amended, and Rendered | Caddo |

Cox had a Total of 27 cases counting writing, reading, or third during our case

COURT OF APPEAL, SECOND CIRCUIT
STATE OF LOUISIANA
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700

JEFF MERCER, LLC

NO. 51,371-CA

VERSUS

Appealed from
Ouachita Parish

STATE OF LOUISIANA, THROUGH THE
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT, ET AL.

No. 73,151

Before DREW, MOORE, PITMAN, GARRETT,
STONE, COX, and BLEICH (*Pro Tempore*), JJ.

ORDER

The plaintiff-appellee, Jeff Mercer, LLC, has filed with this court a pleading entitled "Application for Rehearing, Motion to Recuse, and to Vacate the Panel's Opinion on Behalf of Plaintiff-Appellee Jeff Mercer, LLC." The motion seeks, in part, to recuse Chief Judge Henry N. Brown. The motion to recuse fails to enunciate any valid grounds for recusation under Louisiana law.

Accordingly, the motion to recuse is denied. The remaining portion of the application for rehearing will be considered separately.

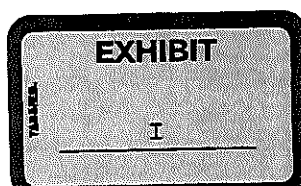
Shreveport, Louisiana, this 3rd day of August, 2017 at 10:23 o'clock AM.

[Signature] B. M. M. [Signature] [Signature]
SDS JSC [Signature]
(reasons attached)

FILED: August 3, 2017
[Signature]
CLERK

2017 AUG -3 A 10:25
CLERK OF COURT
SECOND CIRCUIT
COURT OF APPEAL

FILED



No. 51,371-CA
EN BANC

WRITTEN REASONS FOR THE DENIAL OF THE MOTION
TO RECUSE RENDERED ON AUGUST 3, 2017

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

 JEFF MERCER, LLC

Plaintiff-Appellee

versus

STATE OF LOUISIANA, THROUGH
THE DEPARTMENT OF
TRANSPORTATION AND
DEVELOPMENT, WILLIS
JENKINS, JOHN H. EASON, AND
PAM HIGGINBOTHAM

Defendants-Appellants

Appealed from the
Fourth Judicial District Court for the
Parish of Ouachita, Louisiana
Lower Court Case No. 073151

Honorable Wilson Rambo, Judge

JEFFREY M. LANDRY
Attorney General

Counsel for Appellants

HAYES, HARKEY, SMITH & CASCIO, LLP
By: John B. Saye
Clint R. Hanchey
Special Assistant Attorneys General

ABRAMS & LAFARGUE, LLC
By: Julie M. LaFargue
Special Assistant Attorney General

COTTON, BOLTON, HOYCHICK
& DOUGHTY, LLP
By: David P. Doughty
John B. Hoychick

Counsel for Appellee

Before DREW, MOORE, GARRETT, PITMAN,
STONE, COX, and BLEICH (*Pro Tempore*)

BLEICH, J. (*Pro Tempore*)

Following an opinion of this court reversing the trial court's judgment in favor of the plaintiff, Jeff Mercer, LLC, written for a unanimous panel by Chief Judge Henry Brown, the plaintiff has filed a motion to recuse Judge Brown. In that motion, the plaintiff contends that because Judge Brown's father was an engineer with the State of Louisiana, he should have self-recused from this appeal involving the Louisiana Department of Transportation and Development ("DOTD"). Plaintiff asserts that Judge Brown's failure to self-recuse tainted the decision and requires the opinion to be vacated. For the following reasons, I vote to DENY plaintiff's motion to recuse. No opinion is expressed by this writer as to the merits of the case.

For nearly 30 years, the fairness and impact of Judge Brown's rulings have been recognized not only in this circuit but statewide. This conclusion does not imply that this jurist has always been free from error; no such person exists. This conclusion means that, in the opinion of this writer, Judge Brown reaches his decisions based on the law and evidence before him, as he with honesty understands these considerations, and for no extraneous reasons.

During the times that this writer has substituted in duty at this court, as well as having served in other court positions, there has not always been total agreement of opinion between this writer and Judge Brown. However, in each and every instance the fairness and intellectual integrity of Judge Brown have been clear. Although it is not required to prepare remarks in connection with what might facially appear as a rudimentary vote, this writer feels compelled to do so in this instance, as the allegations concerning the integrity of the subject judge are brought into focus.

The singular, isolated allegation, requesting a most serious result, contains no factual assertions for this court to consider, other than being the son of Judge Brown's deceased father, who incidentally passed away in 1968. Are judges to be microscopically examined based on the professions of their relatives, whether that relative is living or even actively employed? The question is answered by being asked.

It is noted by this writer in casting this vote that the request for recusal is made only *after* the original opinion. If the alleged basis for the motion was so egregious, and if it had been felt that Judge Brown could in no way be fair, the motion should have been made before the rendition of the original opinion.

This writer took the opportunity, albeit unnecessary, to examine a sampling of the "record" of Judge Brown, in other cases involving the Louisiana DOTD. Several of these reflect what might be labeled "adverse" rulings by Judge Brown *against* the DOTD.

Consider *Starr v. State ex rel. Dep't of Transp. & Dev.*, 46,226 (La. App. 2 Cir. 06/17/11), 70 So. 3d 128, *writs denied* (La. 10/21/11). In that case, Judge Brown, writing for the panel, concluded (1) the evidence supported the jury's findings of negligence and causation related to DOTD's failure to warn of a defectively sharp curvature of highway as well as the allocation of fault to the DOTD, and, (2) the trial court acted within its discretion in assessing DOTD with 100% of the costs of court.

In *Hartley v. State ex rel. Dep't of Transp. & Dev.*, 34,566 (La. App. 2 Cir. 04/04/01), 785 So. 2d 150, *writs denied* (La. 06/29/01), motorists injured in a motor vehicle accident at a highway intersection brought a personal injury action against the DOTD, parish, and insurers. The trial

court granted summary judgment for the DOTD and co-defendants, and the motorists appealed. Judge Brown, writing for the panel, reversed the summary judgment in the DOTD's favor, determining, among other reasons, that a fact issue existed as to whether the accident was caused by overgrowth of vegetation and position of signs—actions directly within the DOTD's purview.

Lambert v. State, 40,170 (La. App. 2 Cir. 09/30/05), 912 So. 2d 426, *writs denied* (La. 04/17/06), highlights another example where Judge Brown, writing for the panel, found against the DOTD. In that case, children survivors of decedents who drowned while boating brought wrongful death and survival actions against the DOTD and other state agencies. The DOTD and co-defendants filed motions for summary judgment, which were granted by the trial court. However, Judge Brown and the panel concluded, among other issues, the DOTD was not immune from a wrongful death action under the recreational use statute, and there remained genuine issues of material fact as to whether the plaintiffs' suit against the DOTD was preempted by statute. Thus, Judge Brown concluded the trial court erred in granting the DOTD's motion for summary judgment.

A final example is *Thomas v. State, Dep't of Transp. & Dev.*, 27,203 (La. App. 2 Cir. 10/12/95), 662 So. 2d 788, *judgment reinstated*, 27,203 (La. App. 2 Cir. 01/31/97), 688 So. 2d 697. Judge Brown, writing for the majority (two judges on this five-judge panel dissented), concluded that the DOTD was not the employee's statutory employer so as to be immune from tort liability, and the trial court did not abuse its discretion in entering a general damage award of \$750,000 for the employee against the DOTD.

Considering the foregoing reasons, including the abundance of case law indicating not a scintilla of bias by Judge Brown in favor of the DOTD, this writer cannot, in any way, conclude that there is a basis for the motion to recuse. Thus, this writer casts his vote against the motion to recuse.

Amy

**STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700**

David Paul Doughty
COTTON, BOLTON, HOYCHICK ET AL
P. O. Box 857
Rayville LA 71269-0000

John B. Hoychick
COTTON BOLTON HOYCHICK ET AL
P. O. Box 857
Rayville LA 71269

REHEARING ACTION: August 4, 2017

Docket Number: 51,371-CA

JEFF MERCER, LLC


VERSUS

**STATE OF LOUISIANA, THROUGH THE
DEPARTMENT OF TRANSPORTATION AND
DEVELOPMENT, WILLIS JENKINS,
JOHN H. EASON AND PAM HIGGINBOTHAM**

BEFORE JUDGES:

Henry N. Brown, Jr.
Frances Jones Pitman
Jeanette Giddens Garrett
Shonda D. Stone
Jeff Cox

I certify a copy of the foregoing rehearing action was
handed to and/or mailed to at least one of the counsel
of record for each party, and to each party not
represented by counsel on this same date.


Clerk of the Court of Appeal, Second Circuit
State of Louisiana

As counsel of record in the captioned case, you are hereby notified that the application for
rehearing filed by Jeff Mercer, LLC has this day been

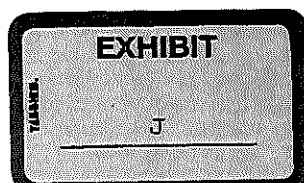
DENIED.

FOR THE COURT

Lillian Evans Richie
Clerk of Court

cc:


John Bibb Saye, Counsel for the Appellant
Clint R. Hanchey, Counsel for the Appellant
Julie Mobley Lafargue, Counsel for the Appellant
Jeffrey M. Landry, Counsel for the Appellant



SECOND CIRCUIT COURT OF APPEAL
STATE OF LOUISIANA

Endorsed Filed

Aug 4, 2017


LILLIAN EVANS RICHIE, CLERK OF COURT
A TRUE COPY - Attest



SECOND CIRCUIT COURT OF APPEAL
MEMO

TO: Judges (Pitman Bleich Drew) Garrett Stone
FROM: Lillian Evans Richie, JA/Clerk
DATE: May 15, 2017
RE: Rehearing vote sheets
No. 51,367 *consolidated with* Nos. 51,368-CA and 51,369-CA

STATE OF LOUISIANA
VERSUS
TORRIS RICHARDS (LEXINGTON NATIONAL
INSURANCE CORPORATION)

A timely rehearing application was filed in this case on May 9, 2017. The panel is (Pitman Bleich Drew) Garrett Stone. The rehearing application was circulated on May 9th, however in keeping with our internal procedure, vote was held for 7 days to allow time for an opposition.

Attached is the opposition filed in this matter today on behalf of appellant Lexington National Insurance Corporation.

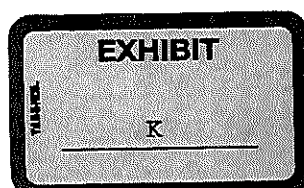
Attached is a vote sheet to record your vote. The rehearing action will be issued when all vote sheets are received in our office.

Thank you,

Lillian

See attached vote sheets.

Lillian Evans Richie



Karen McGee

From: Jeff Cox
Sent: August 06, 2018 4:07 PM
To: Karen McGee
Cc: Stephens Suite; Garrett Suite; Pitman Suite; Cox Suite; McCallum Suite; Deputy Clerks; Molly Able
Subject: Re: 52163-KA - State vs. Eric Dominic Nabors

I vote to deny rehearing. I have given my proxy to Judge McCallum. I would vote to deny the stay also but will go along w what the panel wants to do. Jeff Cox

Sent from my iPhone

On Aug 6, 2018, at 4:02 PM, Karen McGee <kmcgee@la2nd.org> wrote:

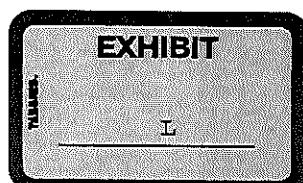
This matter is scheduled to be considered at Thursday's rehearing conference by the rehearing panel **(Stephens Garrett Pitman) Cox McCallum**.

Mr. Harville just filed the attached Motion, seeking expedited consideration of his request for a stay of the lower court proceedings set for TOMORROW, AUGUST 7.

The motion contains a proposed order. However, if you would like Staff to work up a different order for the panel, please advise.

Karen

<52163ka mtn to stay.PDF>



Karen McGee

From: Jay McCallum
Sent: August 06, 2018 4:33 PM
To: Frances Pitman
Cc: Jeanette G. Garrett; James M. Stephens; Karen McGee; Stephens Suite; Garrett Suite; Pitman Suite; Cox Suite; McCallum Suite; Deputy Clerks; Molly Able
Subject: Re: 52163-KA - State vs. Eric Dominic Nabors

I will be in Shreveport Thursday but can vote to deny rehearing now as well.

Thanks

Jay

Sent from my iPhone

On Aug 6, 2018, at 4:23 PM, Frances Pitman <fpitman@la2nd.org> wrote:

I vote to deny the rehearing and the stay.
FJP

Sent from my iPhone

On Aug 6, 2018, at 4:19 PM, Jeanette G. Garrett <jgarrett@la2nd.org> wrote:

I vote to deny rehearing & the stay. Would it simplify matters if all are in agreement to deny rehearing before Thursday???

Sent from my iPhone

From: Karen McGee
Sent: Monday, August 06, 2018 4:03 PM
To: Stephens Suite; Garrett Suite; Pitman Suite; Cox Suite; McCallum Suite
Cc: Deputy Clerks; Molly Able
Subject: 52163-KA - State vs. Eric Dominic Nabors
Importance: High

This matter is scheduled to be considered at Thursday's rehearing conference by the rehearing panel (Stephens Garrett Pitman) Cox McCallum.

Mr. Harville just filed the attached Motion, seeking expedited consideration of his request for a stay of the

lo court proceedings set for TOMORROW, AUGUST
7.

The motion contains a proposed order. However, if you would like Staff to work up a different order for the panel, please advise.

Karen

Lillian Richie

From: Teresa Smith
Sent: Wednesday, March 29, 2017 11:13 AM
To: Judges
Cc: Deputy Clerks; Robin Jones; Valerie Ann DeLatta
Subject: REHEARINGS

Judge Lolley will not be traveling to Shreveport tomorrow for Rehearings.

JLL VOTES:

DENY - 51,150-CA In Re: Medical Malpractice Matter of Ray David Breland (D)
DENY - 51,152-CA Letitia Green, et al v. Larry Brown, et al
DENY - 51,159-CA U.L. Coleman, III, et al v. Querbes Co. No. 1, et al



Lillian Richie

From: Robin Jones
Sent: Wednesday, February 08, 2017 3:04 PM
To: Susan Reeves; Daphne W. Jenkins; Karen McGee; Lillian Richie; Becky Flipppo; Jenny Segner; Molly Able
Subject: Tomorrow

Judge Lolley is not coming over tomorrow.

As to the writs, we will circulate them and he asked me to sign for him. I can take care of that for y'all.

As to rehearings, Becky would you please tell Judge Brown that he would deny any rehearing he is participating in.

Thanks,
Robin



Debbie Ware

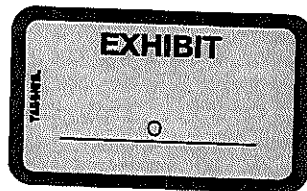
From: Henry Brown
Sent: November 12, 2015 10:54 AM
To: Debbie Ware
Subject: FW: Rehearings and Court Conference

Actually I spoke with Felicia after and she said to deny.

-----Original Message-----

From: Jay Caraway
Sent: Thursday, November 12, 2015 10:52 AM
To: Henry Brown
Subject: FW: Rehearings and Court Conference

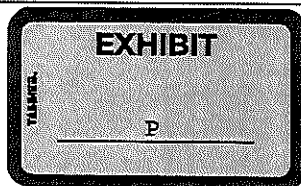
I missed this vote



Mercer v. DOTD
CBHD File No. 3835.026

TIMELINE FOR JUDGE HENRY BROWN / MERCER & HOUSTON CASES

| DATE | |
|----------------------------------|---|
| December 4, 2015 | Unanimous jury verdict by Ouachita Parish jury awarding Jeff Mercer, LLC \$20,000,000.00 in damages against the State/DOTD. Michael Murphy, Willis Jenkins, John Eason and Barry Lacy were all found individually liable as well. |
| February 10, 2016 | Judgment in Mercer case signed by Judge Wilson Rambo. |
| August 8, 2016 | Judge Wilson Rambo denies State/DOTD's Motion for New Trial/JNOV. |
| August 26, 2016 | State/DOTD lodges appeal with Second Circuit Court of Appeal. |
| November 15, 2016 | Jury verdict of \$1.1 million rendered in <i>Succession of Houston</i> case against Hanh T. Williams. |
| December 19, 2016 | Appeal Brief filed by DOTD/Defendants |
| January 24, 2017 | Appeal Brief and Answer filed by Mercer. Docket record returned to clerk the same day. |
| March 3 – April 4, 2017 | Judge Brown checks out duplicate trial record only, not exhibits. |
| Mark 13 – 22, 2017 | Judge Garrett checks out original trial record and exhibits. |
| March 27, 2017 | "Mercer – JLB" Microsoft Word document (33 KB) modified at 2:18 p.m. on Judge Brown's law clerk private G: Drive. |
| March 29, 2017 | "April 2017" Microsoft Word document (25 KB) modified at 11:44 a.m. on Judge Brown's law clerk G: Drive |
| April 4, 2017 | Oral argument on <i>Mercer</i> case before the Second Circuit Court of Appeal and panel of Chief Judge Henry Brown, Judge Jeff Cox, Judge Jeanette Garrett. Case submitted. |
| April 4, 2017 to June 7, 2017 | Record not checked out by any judge after Docket was submitted to writing Judge (Brown) after oral argument. |



| | |
|-------------------------------|--|
| June 7, 2017 | Second Circuit Court of Appeal issues opinion on <i>Mercer</i> case written by Judge Henry Brown. |
| June 16, 2017 | Mercer files Motion to Recuse Judge Brown and Motion for Rehearing |
| July 5, 2017 – August 3, 2017 | No Second Circuit judge ever checks out either the original or duplicate record and exhibits |
| July 24, 2017 | A 47 KB PDF file was modified on Brown's clerk G: Drive at 3:40 p.m. |
| July 26, 2017 | A 304 KB PDF file was labeled "en banc hearing" was modified on Brown's law clerk G: Drive at 3:52 p.m. |
| August 3, 2017 | 10:23 a.m. – Order deny Motion to Recuse. |
| August 3, 2017 | 10:25 a.m. – Order and Supporting opinion filed by clerk. |
| August 4, 2017 | Rehearing Action filed, denying Rehearing. |
| December 5, 2017 | Mercer Writ application denied by Louisiana Supreme Court. |
| April 25, 2018 | 60 KB Word document modified in Mercer case. |
| July 23, 2018 | Email from Hanh Williams to Judge Brown sending Succession of Houston documents. |
| July 25, 2018 | Email from Trina Chu to Hanh Williams about procedures on documents cannot be tracked to her. |
| August 7, 2018 | Becky Flipppo, Judge Brown's judicial secretary, finds large print job on copier dealing with Succession of Houston sent by Trina Chu. |
| August 8, 2018 | Lillian Ritchie sends memo to Chu about her involvement in case where Judge Brown was recused. |
| August 15, 2018 | Second Circuit Court of Appeal decision rendered on <i>In re Succession of Houston</i> , written by Judge Jeff Cox. Lillian Ritchie email to all Second Circuit judges informing them of Chu's ex parte communications. |
| August 22, 2018 | Lillian Ritchie contacts Caddo Parish Sheriff's office about Trina Chu |

| | |
|--------------------|---|
| October 1, 2018 | Judge Henry Brown resigns. |
| January 23, 2019 | Mercer received Second Circuit public records and conversations with Jennifer L. Brown. |
| July 23, 2019 | Mercer receives Second Circuit public records and conversations with Jennifer L. Brown. |
| July 24, 2019 | Mercer receives Second Circuit public records and conversations with Jennifer L. Brown. |
| September 13, 2019 | Mercer receives Second Circuit public records and conversations with Jennifer L. Brown. |