

VERSUS

PARISH OF EAST BATON ROUGE

ROBERT EDWIN BURNS

STATE OF LOUISIANA

MEMORANDUM IN OPPOSITION TO PETITION FOR WRIT OF ATTACHMENT

NOW UNTO COURT comes Defendant, Robert Edwin Burns, in proper person, who submits to this Honorable Court this Memorandum in Opposition to Plaintiff’s Petition for a Writ of Attachment. Defendant poses three (3) key arguments to why Plaintiff’s Petition should be denied:

1. Administrative Law Judge Hunter: “You are NOT a subpoenaed witness.”

At the 1:40 mark of the video of the March 26, 2013 hearing which was filmed by Defendant, Administrative Law Judge Lindsey Hunter stated point-blank to Defendant: “You are NOT a subpoenaed witness.” Ms. Hunter then subsequently reversed herself and “converted” Defendant into a subpoenaed witness by granting a request for an ORAL instanter subpoena made by Mr. Joseph “Beaver” Brantley, Ken Buhler’s defense attorney. Ms. Hunter’s contradictory statements created confusion on the part of Defendant as to whether he was actually under subpoena, and her contradictory statements alone should suffice to defeat Plaintiff’s Petition. At a minimum, in granting **Mr. Brantley’s (not Plaintiff’s)** request, contradicting her prior statement, Ms. Hunter imposed unjustifiable hardships upon Defendant. First, Defendant had no opportunity to prepare for testimony. Second, Defendant was provided no opportunity to consult with his own attorney regarding his testimony. Finally, Defendant was denied the basic right of having his own legal counsel present should he so desire.

2. Plaintiff Didn’t “Cause” Subpoena (Brantley did), and Plaintiff’s Action Continues Longstanding Pattern of Harassing Defendant.

Despite recent assertions by Counsel for Plaintiff, Plaintiff did not cause any subpoena to be issued. Furthermore, Plaintiff essentially didn’t even have a dog in the race, yet Plaintiff would now brazenly assert that Defendant inhibited Plaintiff’s legislatively-mandated role notwithstanding the fact that Plaintiff never issued any subpoena. As relayed previously, the haphazard and contradictory issuance of the

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“subpoena” arose from the sole and exclusive effort of Mr. Brantley. If Defendant’s so-called “testimony” was so important to Plaintiff, as it now conveniently asserts in pleadings, why did Plaintiff fail to issue a subpoena, instant or otherwise?

The reality is that Mr. Brantley noticed Defendant’s presence and did not want Defendant present. He therefore requested the instant subpoena not for Defendant’s testimony but instead for the sole purpose of having Defendant sequestered as a witness. He knew that Defendant’s testimony would not be favorable to his client. Mr. Brantley knew that such testimony may include his client, Ken Buhler, having been found civilly liable in U. S. District Court on June 9, 2011. Civil liability arose from Buhler’s fraudulent use of Interstate Commerce Instrumentalities (judgments: \$181,169.37).

Ironically, any fear Mr. Brantley had of Defendant’s testimony proved unfounded as Mr. Bankston actually became a de facto second defense attorney on May 20, 2013 and never questioned Defendant about the Federal case’s subject matter or outcome even though it was **directly** auction-related. Instead, Mr. Bankston focused his questions on grilling Defendant regarding why he attended the 4-day trial. Why? Harassment! Further, Bankston’s questioning continued a long pattern of Plaintiff’s harassment of Defendant, to include: #1) filing unfounded (and summarily dismissed) ethics charges against Defendant for his May 17, 2010 testimony before the Louisiana Legislature to strengthen skill bidding penalties (with Defendant **again** questioned about that on May 20, 2013, **3 years later**, as part of his “testimony,” though it had no bearing on Buhler); #2) with no foundation whatsoever, calling out the Louisiana State Police Terrorism Unit to Defendant’s home on April 12, 2011, resulting in a lawsuit for defamation (Docket # 603248 pending before Judge Caldwell); #3) **illegally** (no Board action) hiring Mr. Bankston to pursue Defendant for alerting the Louisiana Legislative Auditor (LAO) of suspect payroll practices of Plaintiff’s Executive Director, with such reporting resulting in a damning report issued by the LAO on February 29, 2012, and Plaintiff then convening a formal Administrative Hearing against Defendant on September 17, 2012 at which Plaintiff alleged Defendant “went after our employee;” #4) Plaintiff’s pursuit of the present matter **Ex Parte** and stating that its allegations “**should be deemed satisfactory proof in order for the court to issue the Writ**” and thereafter providing that option on the Order page; and #5) blatantly denying Defendant the right to address,

at the January 8, 2013 LALB meeting, illegal payments for Board Per Diems for September 17, 2012, which is one of the subjects of an Open Meetings violation lawsuit pending before this Honorable Court (Docket # 619707).

Plaintiff knows Defendant is a CPA (inactive) and a former Federal Government Fraud Investigator, and Plaintiff doesn't like the close scrutiny Defendant has placed Plaintiff under; nevertheless, public members are free to scrutinize the operations of public agencies, financial and otherwise, without being subjected to harassment.

3. Plaintiff Had Several Means of Obtaining Testimony Already Lined Up

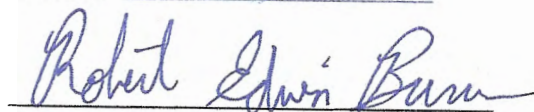
- A. Written subpoena served on May 7, 2013 (six days prior to filing of the Petition) calling for May 20, 2013 testimony (Exhibit D-1).
- B. Defendant already scheduled for a Deposition on May 23, 2013.

In conclusion, the fact that Plaintiff could file the subject Petition, particularly ex parte and hope for this Honorable Court to issue a Writ based solely on its distorted "facts," is unconscionable and a continuance of Plaintiff's harassment of Defendant.

WHEREFORE, petitioner, ROBERT EDWIN BURNS, prays that this Honorable Court DENY Plaintiff's Motion for a Writ of Attachment for the foregoing reasons.

Respectfully Submitted,

Robert Edwin Burns, in proper person
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Certificate of Service:

I certify that a copy of the foregoing has been served upon counsel for all parties to this proceeding by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 9th day of July, 2013.

