



**BANKSTON & ASSOCIATES**  
A LIMITED LIABILITY COMPANY  
ATTORNEYS AT LAW

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April 17, 2013

Robert Edwin Burns  
Auction Sells Fast, L.L.C.  
4155 Essen Lane, Suite 228  
Baton Rouge, LA 70809

RE: *Burns v. Louisiana Auctioneers Licensing Board, et al*  
Docket Number C616916, Section 25, 19<sup>th</sup> Judicial District Court  
B&A File No. 1107-0002

Dear Mr. Burns:

Enclosed please find Requests for Admission, Interrogatories and Requests for Production in the above-referenced case. Please answer within the time allowed by law.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

**BANKSTON & ASSOCIATES, L.L.C.**

By: \_\_\_\_\_

Jenna H. Linn

JHL:jmr

c.c. Client (via e-mail only)

ROBERT BURNS \* NUMBER 616,916 SECTION 25  
VERSUS \* 19TH JUDICIAL DISTRICT COURT  
LOUISIANA AUCTIONEER'S  
LICENSING BOARD, CHARLES  
"HAL" McMILLIN, JAMES M. SIMS, \* PARISH OF EAST BATON ROUGE  
GREGORY L. "GREG" BORDELON, \*  
CHARLES "CLAYTON" BRISTER \* STATE OF LOUISIANA

.....  
**REQUESTS FOR ADMISSION, INTERROGATORIES AND REQUEST FOR  
PRODUCTION OF DOCUMENTS**

To: Robert Burns  
4155 Essen Lane, Ste. 228  
Baton Rouge, LA 70809

NOW INTO COURT, through undersigned counsel, come Defendants, Louisiana Auctioneers Licensing Board ("LALB"), Charles McMillin, James Sims, Gregory Bordelon, and Charles Brister who propound the following First Set of Requests for Admissions, Interrogatories and Request for Production of Documents to plaintiff, Robert Burns, to be answered under oath and in writing pursuant to Louisiana Code of Civil Procedure articles 1420, et seq.. The written answers shall be served upon counsel for plaintiff, Jenna H. Linn/Larry S. Bankston, within fifteen (15) days after the date of service hereof at the offices of Bankston & Associates, L.L.C., 8708 Jefferson Hwy, Suite A, Baton Rouge, Louisiana, 70809. Plaintiff, Robert Burns, is reminded of the duty to supplement the responses to these requests and other discovery.

**DEFINITIONS OF TERMS USED IN REQUESTS FOR ADMISSIONS,  
INTERROGATORIES AND REQUEST FOR PRODUCTION**

The following words and terms as used in the following Interrogatories and Requests for Production of Documents have the meanings set forth below:

1. "Plaintiff" means Robert Burns.
2. "You" and "Your" means Robert Burns.
3. "Person" means any natural person, individual, corporation, partnership, limited liability company, sole proprietorship, association, institute, government subdivision, joint venture, trust, firm, or other entity, whether legal or otherwise, irrespective of whether privately or publicly owned, controlled, for profit or not-for-profit, or partially or fully government controlled.

4. As used herein, the singular of any word or phrase includes the plural and the plural includes the singular. The masculine form of a noun or pronoun includes the feminine form of the noun or pronoun, and vice versa.
5. As used herein, the terms, “and” and “or” are terms of inclusion and not exclusion, and shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these requests for production of any document or information that might otherwise be construed to be outside of the scope.
6. As used herein, the term “or” shall mean “and/or” and “and” shall mean “and/or.”
7. “Electronic” as used herein to describe files, documents, communication or other things is to be understood to mean all tangible and non-tangible embodiments of such a thing which exists in a form that was encoded by, and/or requires retrieval through, the use of electronic means, including, but not limited to, things stored, generated, or otherwise composed on a computer, terminal, internet appliance, personal data assistant (PDA), organizer, facsimile machine, Blackberry, electronic calendar, teletype, telex, TDD, word processor, or mobile phone. Things to be produced will be from any type of magnetic, optical, chip, or other media documents stored in volatile or non-volatile memory, electronically archived documents and/or any other from that such data may be present in. Such electronic things can be from any source, including, but not limited to the producing party’s own devices, any device either on- or off-site that said party may have had access to, either directly or by proxy through an intranet, extranet, the internet, a local area network or through any other point-to – point or broadcast transmission of data. Things to be produced will be in any format, including, but not limited to, any word processor, database, spreadsheet, electronic mail, image, text file, web page, video, audio, photo, presentation, compressed file archive, Portable Document Format file (PDF), videoconferencing file, Blackberry, electronic calendar, spreadsheet, instant messaging transcript, PDA file, streaming media, and the like, including any proprietary format that may exist, as well as any encrypted versions of the things listed above.
8. “Files” means any and all methods of arranging or sorting papers, records, documents or other recordings of data, contained or stored in any manner, which are maintained or controlled by you or for your behalf for preservation or reference.

9. "Document" shall mean any writing (whether handwritten, typed, printed, electronic, or otherwise made), drawing, graph, chart, calendar, electronic calendar, spreadsheet, photograph, phone record, or other data compilations from which information can be obtained (translated, if necessary, through detection devices in a reasonably usable form), and shall include, without limiting the generality of the foregoing, originals, copies, and drafts of all correspondence, e-mails, instant messaging, telegrams, teletypes, agreements, contracts, studies, reports, memoranda, electronic recordings, minutes, journal entries, diaries, appointment books, notes and notations (whether separate or added to another document), work papers, book accounts, ledgers, transcripts, newspaper clippings, affidavits, photographs, sketches, pamphlets, brochures, financial reports or summaries, electronic mail, spreadsheet, electronic calendar, calendar, Blackberry, and all other writings of any kind, and information stored on other data storage or processing equipment, including but not limited to, floppy disks, hard drives, networks, type writings, tape recordings, microfilm or microfiche, which are or were in your possession, custody, or control or known by you to have existed, and any copy or other reproduction of any such "document" or "documents."
10. "Communications" means any transmission or exchange of information, electronic or otherwise, between two or more persons, orally or in writing, and includes, without limitation, any and all correspondence, conversation or discussion, whether face-to-face or by means of telephone, telegram, telex, telecopier, e-mail, electronic mail, instant message, or any other medium of communication.
11. "Describe" means to relate as completely as possible each and every act, omission, incident, event, condition, circumstances, or things relating directly or indirectly to the subject matter of the description, including all pertinent dates. Without limiting the foregoing, this means:
- a. Identify all documents directly or indirectly related; and
  - b. Identify all communications directly or indirectly related; and
  - c. Identify all persons directly or indirectly related; and
  - d. Identify all locations applicable to any events, incidents, conditions, circumstances, or things directly or indirectly related.

12. To “identify” a document, or any other thing, means to state its type (e.g. letter, memorandum, periodical, etc.) or otherwise describe it, and in addition, supply the following information about it:
  - a. The name of the person who prepared it;
  - b. The name of each person who signed it or in whose name it was issued;
  - c. The name of each person to whom it was addressed and distributed;
  - d. The nature of the substance of the writing with sufficient particularity to enable it to be identified;
  - e. Its date or if it bears no date, its approximate date;
  - f. Its physical location, the name and address of its custodians, and when it came into your possession or control, if such, if such is the case; and
  - g. If any such document was, but no longer is in your possession or subject to your control, “identify” includes a description or what disposition was made of it, and the identity of the person who presently has custody of it.
13. To “identify” a verbal communication means to state:
  - a. The name and last known address of each person who participated in the communication and the name and last known address of each person who was present at the time it was made;
  - b. By whom each such person was employed and whom each such person represented in making the communication;
  - c. The date when the communication took place; and
  - d. The place where the communication took place; and
  - e. The identification (as defined in 10 above) of each document pertaining to the verbal communication.
14. The terms “pertain to,” “concern,” “reflect,” “refer,” or “relate to” means to contain a statement about, or reference to, a discussion, a description, a notation, an identification, or in any way a mention, in whole or in part.
15. When a document that “refers or relates to” any given matter is requested, the request encompasses any document or thing, as the case may be, that discusses, embodies, contains, reflects, identifies, states, refers to or concerns that matter that is in any way pertinent or relevant to that matter.

16. The terms “you” and “your” shall mean the person or entity upon which this request is served, including, but not limited to, any and all parent companies, subsidiaries, divisions, predecessors and successor entities, and other persons or entities acting or purporting to act on your behalf, including but not limited to agents, employees, attorneys, investigators, experts, consultants, and any and all other representatives having possession, custody or control of documents called for within this demand.
17. Without limitation on the term “possession, custody, or control,” a document is deemed to be in your possession, custody, or control if you have any right to such document or any public or private entity having actual possession thereof.
18. If objection is made to a part of a particular interrogatory, that part shall be specified, and answers shall be produced for all parts of the interrogatory to which said objection is not made.
19. As to all information withheld from an answer on any ground, state:
  - a. The type of information withheld;
  - b. The subject matter of the information withheld;
  - c. The identity of the person who made the statement;
  - d. The date of the statement or communication, or if unknown, the approximate date of its occurrence;
  - e. The grounds on which such information or statement is being withheld; and
  - f. The numbered paragraph of this interrogatory to which the statement or communication relates.

#### **NOTES AND INSTRUCTIONS**

1. If any discovery request calls for an answer that Robert Burns believes to be protected by a claim of privilege, Robert Burns shall respond specifically to the extent the discovery request is not objected to and shall state:
  - a. The specific ground(s) for not responding in full;
  - b. Each privilege asserted and the factual basis which Robert Burns asserts and/or supports such claim of privilege.
  - c. The identity of all persons to whom substance of the allegedly privileged response had been disclosed, or to whom the substance of the allegedly privileged response is known or believed to be known.

2. These discovery requests are continuing. In the event that any information or materials come to your attention, possession, custody or control, subsequent to the production of responses to the requests herein propounded, which materials or information is responsive to any request herein, you are requested to provide supplementary responses to the attorneys for Defendants as soon as possible.

### **REQUESTS FOR ADMISSIONS**

#### **REQUEST FOR ADMISSION NUMBER 1:**

Admit or deny that at the September 17, 2012 LALB Administrative Hearing, upon the conclusion of evidence and testimony, the Administrative Law Judge expressed that the LALB had a right to enter into Executive Session.

#### **REQUEST FOR ADMISSION NUMBER 2:**

Admit or deny that you were issued a public reprimand at the September 17, 2012 LALB Administrative Hearing.

#### **REQUEST FOR ADMISSION NUMBER 3:**

Admit or deny that the September 17, 2012 LALB Administrative Hearing was reset for deliberations on January 8, 2013.

#### **REQUEST FOR ADMISSION NUMBER 4:**

Admit or deny that at the January 8, 2013 hearing, you were afforded the opportunity to be heard in connection with the proceedings.

#### **REQUEST FOR ADMISSION NUMBER 5:**

Admit or deny that that at the January 8, 2013, the deliberations of the LALB members were conducted in an open manner.

#### **REQUEST FOR ADMISSION NUMBER 6:**

Admit or deny that you were issued a public reprimand at the January 8, 2013 LALB Administrative Hearing.

### **INTERROGATORIES**

#### **INTERROGATORY NUMBER 1:**

Please identify each and every person, as well as their address and telephone number, who answered, participated in answering, assisted in answering, or was consulted before answering these Interrogatories.

**INTERROGATORY NUMBER 2:**

Please describe in detail the alleged damage you have suffered as a result of the Defendants' alleged violation of the Open Meeting Laws.

**INTERROGATORY NUMBER 3:**

Please identify, including name, address, telephone number, and employer, if known each and every individual that you are aware of who has knowledge of any information that is relevant to allegations contained in your Petition for Damages.

**INTERROGATORY NUMBER 4:**

Please identify all documents and tangible things known to Robert Burns that relate in any way to the allegations contained in the Petition for Damages, and state, for each document or tangible thing, whether you intend, may, and/or reasonably expect to use it at trial. (Note, your response to this interrogatory should delineate and specify which document(s) and tangible thing(s) apply to which allegations(s).)

**INTERROGATORY NUMBER 5:**

Please identify each and every person that you may, or will call to testify at the trial of this matter, including expert, rebuttal, and impeachment witnesses, and for each provide a brief summary of their expected testimony.

**INTERROGATORY NUMBER 6:**

Please describe in detail each and every fact that supports or relates in any way to your allegations that "each of the individual Board Members named as Defendants...did knowingly and willfully violate La. R.S. 42:17(A)(1).

**INTERROGATORY NUMBER 7:**

Please identify, by suit name, docket number, and court, each and every lawsuit that you have been a party to over the past 10 years.

**REQUEST FOR PRODUCTION  
OF DOCUMENTS AND THINGS REQUESTED**

**REQUEST FOR PRODUCTION NUMBER 1:**

Please produce any and all documents identified, reviewed, relied upon, referred to, or described by Robert Burns to answer the first set of Requests for Admissions and Interrogatories to Robert Burns served contemporaneously with these Requests for Production.

**REQUEST FOR PRODUCTION NUMBER 2:**

Please produce a copy of any and all exhibits that you may/or will introduce into evidence of use for demonstrative purposes at the trial of the matter.

**REQUEST FOR PRODUCTION NUMBER 3:**

Please produce any and all documents that were identified, reviewed, relied upon, referred to, or described by you to prepare the Petition in this matter.

**REQUEST FOR PRODUCTION NUMBER 4:**

Please produce copies of any and all communications, both written and oral for the past three years, between you and any current or past board member of the Louisiana Auctioneers Licensing Board.

**REQUEST FOR PRODUCTION NUMBER 5:**

Please produce copies of any and all communications, both written and oral for the past three years, between you and any current or past employee of the Louisiana Auctioneers Licensing Board.

**REQUEST FOR PRODUCTION NUMBER 6:**

Please produce any and all statements, whether written or oral, taken in this case.

**REQUEST FOR PRODUCTION NUMBER 7:**

Please produce a copy of any video, audio, or electronic recording that was identified, reviewed, relied upon, referred to, or described by you to prepare the Petition in this matter.

**REQUEST FOR PRODUCTION NUMBER 8:**

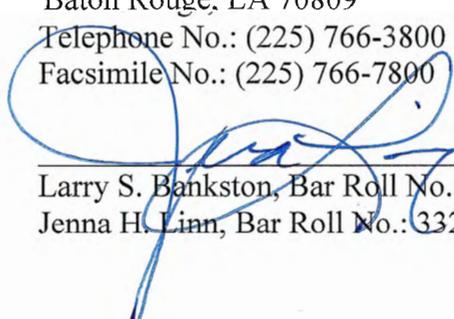
Please produce all video, audio, or electronic recordings in your possession, which are in any way related to the Louisiana Auctioneers Licensing Board.

**REQUEST FOR PRODUCTION NUMBER 9:**

Please produce all documents and electronically stored information reflecting, evidencing, or relating to the LALB.

Respectfully Submitted:

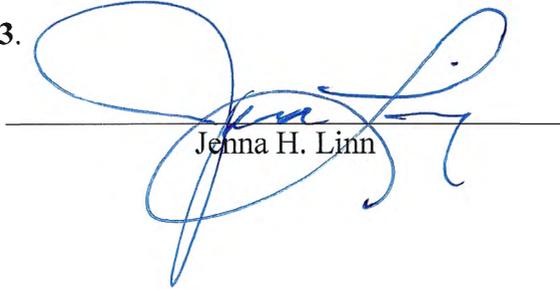
BANKSTON & ASSOCIATES, L.L.C.  
8708 Jefferson Hwy, Suite A  
Baton Rouge, LA 70809  
Telephone No.: (225) 766-3800  
Facsimile No.: (225) 766-7800

  
\_\_\_\_\_  
Larry S. Bankston, Bar Roll No.: 02744  
Jenna H. Linn, Bar Roll No.: 33246

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been mailed, postage prepaid, and/or by electronic transmission, and/or facsimile transmission to all counsel of record this 16<sup>th</sup> day of

April, 2013.

  
\_\_\_\_\_  
Jenna H. Linn