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October 22, 2013

Clerk of Court  
19<sup>th</sup> JDC, Parish of East Baton Rouge  
P.O. Box 1991  
Baton Rouge, LA 70821

ATTN: CIVIL SUITS DEPARTMENT

RE: *Robert Burns vs. LA Auctioneer's Licensing Board, et al*  
Docket No.: 616,916, Section 25, 19<sup>th</sup> Judicial District Court  
My File No.: 1107-0002

Dear Sir/Madam:

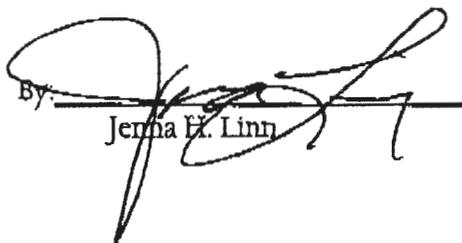
Enclosed please find the original and one copy of *Defendants' Motion and Incorporated Memorandum to Compel the Deposition of Plaintiff and Defendants' Opposition to Plaintiff's Motion for Sanctions* in the above-referenced matter. Please file the original into the suit record, submit one copy to the sheriff's office for service and return a conformed copy to our office in the enclosed self-addressed, stamped envelope.

Please note that defendant, Louisiana Auctioneer's Licensing Board, is exempt from filing fees pursuant to La. R.S. 13:4521.

Thank you for your attention to this matter and should you have any questions or comments, please do not hesitate to contact our office.

Sincerely,

BANKSTON & ASSOCIATES, L.L.C.

By   
Jenna H. Linn

Enclosure: Defendants' Motion/envelope  
cc: Honorable Wilson Fields  
Robert Burns (via email 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, \* STATE OF LOUISIANA

CHARLES "CLAYTON" BRISTER \*

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**DEFENDANTS' MOTION AND INCORPORATED MEMORANDUM TO COMPEL THE DEPOSITION OF PLAINTIFF AND DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR SANCTIONS**

***MAY IT PLEASE THE COURT:***

NOW INTO COURT, through undersigned counsel, come Defendants, Louisiana Auctioneer's Licensing Board, Charles McMillian, James M. Sims, Darlene Jacobs-Levy, Gregory L. Bordelon, and Charles Brister, who respectfully move this Honorable Court to compel the deposition of Plaintiff, Robert Burns, pursuant to La. C.C.P. Art. 1469, and who respectfully oppose Plaintiff, Robert Burns' Motion for Sanctions.

**FACTUAL BACKGROUND**

The plaintiff, Mr. Robert Burns, was a licensee of the Louisiana Auctioneer's Licensing Board (LALB). The LALB is an executive agency of the State of Louisiana whose mission is to contribute to the health, safety, and management of the property of the people of Louisiana in the transfer of property by auction.

Prior to this matter, several complaints were made against the plaintiff regarding alleged violations of LALB licensee policies and procedures. The LALB held an administrative hearing to hear evidence surrounding the pending complaints. Ultimately LALB members found that the complaints against the plaintiff had merit and issued the Plaintiff a public reprimand. No appeal of the LALB decision was filed.

Mr. Burns has now filed the above captioned matter alleging a violation of Louisiana's Open Meetings Laws.

**LAW AND ARGUMENT**

**I. WRITTEN DISCOVERY REQUESTS**

Plaintiff, Robert Burns alleges that Defendants violated La. C.C.P. Art. 1420 (B)(2) and (3), and he has requested that this Court issue sanctions against Defendants. Such allegations lack merit and Plaintiff's request for sanctions is simply inappropriate herein.

In his Memorandum in Support of Motion for Sanctions, Plaintiff first complains of the discovery requests directed to Plaintiff by Defendants. Plaintiff complains that Defendants' six requests for admissions, seven interrogatories, and nine requests for production of documents constitute a "plethora of irrelevant"<sup>1</sup> discovery requests. For this Court's review, Defendants have attached the discovery requests hereto.<sup>2</sup> Such requests are relevant, far from excessive, and compliant with the rules of discovery outlined in the Louisiana Code of Civil Procedure.

The Louisiana Code of Civil Procedure allows parties to obtain discovery by written interrogatories, production of documents, and requests for admission.<sup>3</sup> Unless the court orders otherwise, the frequency of use of these methods is not limited.<sup>4</sup> The "parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter."<sup>5</sup> Furthermore, "it is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence."<sup>6</sup>

All of Defendants' discovery requests are relevant to the subject matter of the above captioned lawsuit, and all information sought by Defendants is reasonably calculated to lead to the discovery of admissible evidence. As can be seen by Plaintiff's original discovery responses, attached hereto, Plaintiff's responses were deficient in that they failed to comply with Louisiana's Code of Civil Procedure.<sup>7</sup> Specifically, Plaintiff failed to properly respond to Defendants' requests for admission, all of which concerned the open meetings at issue in this case.<sup>8</sup> Pursuant to La. C.C.P. art. 1466, a party may serve upon any other party a written request for the admission of the truth of any relevant evidence, relevant fact, or of any other matter within the scope of discovery. As such, Defendants had a right to ask Plaintiff to supplement his responses.<sup>9</sup> Such request is far from harassing.

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<sup>1</sup> See Plaintiff's Memorandum in Support of Motion for Sanctions, page 3.

<sup>2</sup> Discovery Requests and Responses, attached hereto as "Exhibit 1."

<sup>3</sup> La. Code Civ. Proc. Ann. art. 1421.

<sup>4</sup> La. Code Civ. Proc. Ann. art. 1421.

<sup>5</sup> La. Code Civ. Proc. Ann. art. 1422.

<sup>6</sup> La. Code Civ. Proc. Ann. art. 1422.

<sup>7</sup> Discovery Requests and Responses, attached hereto as "Exhibit 1."

<sup>8</sup> See Response to Request for Admission No. 1, 3, 4, and 5, attached hereto as "Exhibit 1."

<sup>9</sup> See Letter from Bankston & Associates, LLC to Robert Burns, dated May 16, 2013.

Furthermore, Plaintiff specifically attempts to argue that Defendants' request for correspondence between Plaintiff and Defendants as well as Defendants' request for video, audio, or electronic recordings related to LALB was a direct violation of La. C.C.P. art. 1420(B)(3) and La. C.C.P. art. 1420(B)(2). La. C.C.P. Art. 1420(B)(2) and (3) provide as follows:

B. The signature of an attorney or party constitutes a certification by him that he has read the request, response, or objection and that to the best of his knowledge, information, and belief formed after reasonable inquiry the request, response, or objection is:

(2) Not interposed for any improper purpose, such as to harass or to cause unnecessary or needless increase in the cost of litigation; and

(3) Not unreasonable, unduly burdensome, or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.<sup>10</sup>

Defendants further certify herein that such requests were not imposed to harass the Plaintiff, nor were such requests unduly burdensome or expensive. Specifically, in response, Plaintiff produced just 14 emails and provided a link to audio/video files on You Tube. Defendants accepted such responses. Plaintiff did not produce a single audio or video file. As such, Defendants' requests and Plaintiff's responses were certainly not unduly burdensome, expensive or harassing. Additionally, if Plaintiff truly believed that such discovery requests were propounded for the purpose of harassment and were in violation La. C.C.P. Art. 1420, Plaintiff could have sought a protective order from this Court in accordance with La. C.C.P. Art. 1426. However, Plaintiff failed to do so.

## II. DEPOSITION

Secondly, in his Memorandum in Support of Motion for Sanctions, Plaintiff complains of Defendants' request in connection with his deposition. Defendants first requested to take Plaintiff's deposition on April 5, 2013. Upon agreement, Plaintiff's deposition was set for May 23, 2013.<sup>11</sup> However, Plaintiff canceled the deposition due to an illness. Thus, in July, 2013, Defendants again requested to take Plaintiff's deposition, and the deposition was scheduled for August 28, 2013.<sup>12</sup>

On August 23, 2013, Plaintiff sent an email to counsel for Defendants stating he intended to bring a tripod and camcorder to videotape the deposition.<sup>13</sup> Defendants' notified Plaintiff that

<sup>10</sup> La. Code Civ. Proc. Ann. art. 1420

<sup>11</sup> See Notice of Deposition, attached hereto as "Exhibit 2."

<sup>12</sup> See second Notice of Deposition, attached hereto as "Exhibit 3."

<sup>13</sup> See email from Burns to Bankston, dated August 23, 2013, attached hereto as "Exhibit 4."

they objected to videotaping the deposition by means of a tripod and camcorder; however, Defendants further provided that they had no objection to the videotaping of the deposition by means of a disinterested professional videographer.<sup>14</sup> In response, Plaintiff insisted in utilizing his camcorder and tripod and threatened that if such was not allowed, he would not participate in the deposition.<sup>15</sup> Accordingly, the Plaintiff's deposition was again canceled.

On September 3, 2013, Plaintiff sent an email to counsel for Defendants requesting that his friend and business partner, Reverend Freddie Phillips, be allowed to videotape the deposition. Plaintiff indicated that the cost for videoing the deposition was to be incurred by Plaintiff and Reverend Phillips' company, LAPA, and that the expense of hiring a professional videographer was unacceptable.<sup>16</sup> Defendants objected to such method, and again requested that if Plaintiff desired to videotape the deposition, such taping be performed by a professional disinterested videographer.

In accordance with La. Code Civ. Proc. Ann. art. 1434, a deposition shall be taken before an officer authorized to administer oaths, who is not an employee or attorney of any of the parties or otherwise interested in the outcome of the case. However, by written stipulation, the parties may modify the procedures provided by Louisiana's Code of Civil Procedure and provide that depositions may be taken before any person and in any manner and when so taken may be used like other depositions.<sup>17</sup> The testimony at a deposition may be recorded by other than stenographic means, in which event the notice shall designate the manner of recording, preserving, and filing the deposition, and **shall include other provisions to assure that the recorded testimony will be accurate and trustworthy.**<sup>18</sup>

The above referenced codal articles indicate that, unless the parties stipulate otherwise, the person recording a deposition should be disinterested in the outcome of the case. Additionally, if the deposition will be recorded by means other than stenographic means, it is required that other provisions be implemented to assure that the recorded testimony, in this case the video, will be accurate and trustworthy.

The court in *Brigsten v. Southern Baptist Hospital*<sup>19</sup> addressed a similar matter in connection with a request to videotape a deposition. In *Brigsten*, the trial court permitted the

<sup>14</sup> See correspondence from Bankston to Burns, dated August 23, 2013, attached hereto as "Exhibit 5."

<sup>15</sup> See correspondence from Robert Burns to Larry Bankston on August 26, 2013, attached hereto as "Exhibit 6."

<sup>16</sup> See correspondence from Robert Burns to Larry Bankston on September 3, 2013, attached hereto as "Exhibit 7."

<sup>17</sup> La. C.C.P. Art. 1436.

<sup>18</sup> La. C.C.P. Art. 1440.

<sup>19</sup> 690 So. 2d 810 (La. App. 4<sup>th</sup> Cir. 12/13/96).

plaintiff's office personnel to videotape the defendant's deposition. In addition to the office personnel videoing the deposition, a court reporter was also present to take the deposition by stenographic means. The defendants objected to the videoing by plaintiff's employee and insisted that if the plaintiff desired to videotape the deposition, such taping be done by a disinterested professional videographer. The defendants applied for supervisory writs in connection with the trial court's decision.

The appellate court stated that non-stenographic recordation of depositions is governed by La. C.C.P. art. 1440 which requires other provisions be prescribed to assure that the recorded testimony will be accurate and trustworthy.<sup>20</sup> The court further noted that audio problems, picture quality and angles of a non-professional videographer could very well affect the objectivity of the deposition. Additionally, the ability to manipulate the tape of non-objective editing of the video deposition could impair the "accurate and trustworthy" taking and use of the videotape of the deposition.<sup>21</sup> The court provided that "it is clear that the Code of Civil Procedure article points out that accuracy and trustworthiness of the videotaped deposition must be provided for. It would be inconsistent to provide for a certified professional reporter to be used when transcribing and not to require that a professional videographer be used in a videotaped deposition."<sup>22</sup> Thus, the court concluded that a party desirous of using a videotape of a deposition shall provide a disinterested professional videographer to take the deposition.<sup>23</sup>

In the present case, the taping methods suggested by Plaintiff, using a tripod and camcorder or having Reverend Phillips videotape the deposition, fail to assure that the recorded testimony will be accurate and trustworthy. Additionally it should be noted that Reverend Phillips is not only a friend and business partner of the Plaintiff's, but he and the Plaintiff have jointly filed another lawsuit against the Defendants herein. Thus, Reverend Phillips is anything but a disinterested individual. Defendants fear that if such videotaping methods suggested by Plaintiff are permitted, the video deposition may be manipulated or non-objectively edited, impairing the accurate and trustworthy use of the videotaped deposition. Therefore, for the same reasons described in *Brigsten*, the Plaintiff in the present case, if desirous of videotaping the deposition, should provide a disinterested professional videographer to tape the deposition.

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<sup>20</sup> *Id.* at 811.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 812.

Pursuant to La. C.C.P. art. 1421, Defendants' are entitled to take Plaintiff's deposition. Accordingly, as this deposition has already been canceled twice by the Plaintiff, Defendants' submit that Plaintiff's deposition should be compelled herein, with the costs of a professional disinterested videographer, if desired by Plaintiff, to be borne by Plaintiff.

### III. SANCTIONS

In connection with the above referenced discovery matter, Plaintiff has requested this Court issue sanctions against Defendants. Plaintiff cites La. C.C.P. 1420(E) as authority for the requested sanctions. Such request is simply meritless.

La. C.C.P. art. 1420, provides in pertinent part:

A. Every request for discovery, or response or objection thereto, made by a party represented by an attorney shall be signed by at least one attorney of record.

B. The signature of an attorney or party constitutes a certification by him that he has read the request, response, or objection and that to the best of his knowledge, information, and belief formed after reasonable inquiry the request, response, or objection is:

(1) Consistent with all the rules of discovery and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law;

(2) Not interposed for any improper purpose, such as to harass or to cause unnecessary or needless increase in the cost of litigation; and

(3) Not unreasonable, unduly burdensome, or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation.

D. If, upon motion of any party or upon its own motion, the court determines that a certification has been made in violation of the provisions of this Article, the court shall impose upon the person who made the certification or the represented party, or both, an appropriate sanction which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the request, response, or objection, including a reasonable attorney's fee.

E. A sanction authorized in Paragraph D shall be imposed only after a hearing at which any party or his counsel may present any evidence or argument relevant to the issue of imposition of the sanction.<sup>24</sup>

As fully described above, Defendants have not violated any provision of La. C.C.P. art. 1420, and as such, sanctions are not warranted. Defendants' discovery requests are reasonable, relevant, and far from burdensome. Such requests have been made for the purpose of discovery and not to harass Plaintiff. Even if this Court would find that the discovery sought by Defendants is unduly burdensome, which is at all times denied, such finding does not automatically mandate an award of sanctions.<sup>25</sup> To determine the existence of a violation of statute allowing for

<sup>24</sup> La. Code Civ. Proc. Ann. art. 1420

<sup>25</sup> *Fauria v. Dwyer*, App. 4 Cir.2003, 857 So.2d 1138, 2002-2320, 2002-2418; La. C.C.P. art. 1420.

imposition of sanctions when an attorney has signed requests for discovery allegedly in violation of certifications listed in the statute, the court should avoid use of hindsight and should test signer's conduct by inquiring what was reasonable to believe at time discovery request was signed.<sup>26</sup> Defendants contend that all discovery sought is reasonable and relevant herein and such contention was certainly reasonably believed at the time such discovery request was signed.

Additionally, Louisiana jurisprudence provides that **sanctions are reserved for extreme cases.**<sup>27</sup> As such, the article on discovery sanctions contemplates a sliding scale with three points: (1) the point at which the discovery request is appropriate and sanctions not warranted; (2) a point at which the discovery request is entirely inappropriate--frivolous--and sanctions are warranted; and (3) a middle position at which the discovery request is inappropriate, yet sanctions are not warranted.<sup>28</sup> In this case, Defendants' discovery requests are appropriate and sanctions are not warranted. Even if this Court finds that Defendants' discovery requests are inappropriate, which is at all times denied, this is not an extreme case as contemplated by La. C.C.P. Art. 1420 which would warrant the issuance of sanctions.

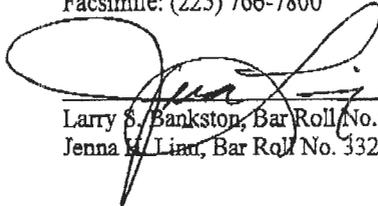
WHEREFORE, Defendants pray that this Motion be granted and that:

- a. Plaintiff, Robert Burns' be ordered to comply with the requests for his appearance for an oral deposition;
- b. Defendants be awarded attorney's fees and costs associated with bringing this motion, pursuant to La. C.C.P. art. 1469;
- c. If the Plaintiff desires to videotape the subject deposition, such taping be performed by a disinterested professional videographer at the expense of Plaintiff; and
- d. That Plaintiff's Motion for Sanctions be denied.

Respectfully submitted by:

**BANKSTON & ASSOCIATES, LLC**

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



Larry S. Bankston, Bar Roll No.: 02744  
Jenna M. Liar, Bar Roll No. 33246

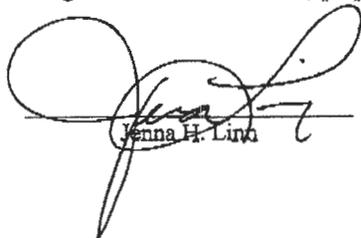
<sup>26</sup> *Maxie v. McCormick*, App. 1 Cir.1996, 669 So.2d 562, 1995-1105 (La.App. 1 Cir. 2/23/96); La. C.C.P. art. 1420.

<sup>27</sup> *Fauria v. Dwyer*, App. 4 Cir.2003, 857 So.2d 1138, 2002-2320, 2002-2418; La. C.C.P. Art. 1420.

<sup>28</sup> *Id.*

CERTIFICATE

I hereby certify on this 22 day of October, 2013, a copy of the foregoing pleading was served on counsel for all parties to this proceeding, by transmitting a copy of same via electronic mail, facsimile or regular United States mail, properly addressed, and first class postage prepaid.



Jenna H. Lino

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

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**ORDER**

Considering the Foregoing:

**IT IS ORDERED** that Plaintiff, Robert Burns, show cause on the \_\_\_ day of \_\_\_\_\_, 201\_\_ at \_\_\_\_\_ o'clock \_\_m. why Defendants, Louisiana Auctioneer's Licensing Board, Charles McMillian, James M. Sims, Darlene Jacobs-Levy, Gregory L. Bordelon, and Charles Brister's Motion to Compel Plaintiff's Deposition should not be granted and why Defendants should not be awarded attorney's fees and costs associated with filing this motion.

Baton Rouge, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Judge, 19<sup>th</sup> Judicial District Court

Please Serve:

Plaintiff, Robert Burns  
4155 Essen Lane, Apt. 228  
Baton Rouge, LA 70809

ROBERT BURNS

NUMBER 616916 DOCKET: 25

19<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA AUCTIONEER'S LICENSING BAORD,  
CHARLES "HAL" McMILLIN, JAMES M SIMS,  
DARLENE JACOBS-LEVY, GREGORY L. "GREG"  
BORDELON, CHARLES "CLAYTON" BRISTER

STATE OF LOUISIANA

\*\*\*\*\*

**PLAINTIFF'S RESPONSES TO DEFENDANTS' REQUEST  
FOR ADMISSION OF FACTS, INTERROGATORIES, AND REQUEST FOR  
PRODUCTION OF DOCUMENTS**

**REQUEST FOR ADMISSION OF FACTS**

**REQUEST FOR ADMISSION NUMBER ONE:**

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.

**RESPONSE TO REQUEST FOR ADMISSION NUMBER ONE:**

Plaintiff objects to Admission Number One on the grounds that the information sought in said Admission is not relevant and immaterial in that, to the extent Defendants believe that the Administrative Law Judge, whom they contracted to hire for Administrative Hearings, may have erred in any such guidance, Defendants have the prerogative to recover damages from the Administrative Law Judge and/or the Attorney General's Office for any such alleged improper guidance.

**REQUEST FOR ADMISSION NUMBER TWO:**

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

**RESPONSE TO REQUEST FOR ADMISSION NUMBER TWO:**

Admit.

**REQUEST FOR ADMISSION NUMBER THREE:**

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

**RESPONSE TO REQUEST FOR ADMISSION NUMBER THREE:**

Plaintiff objects to Admission Number Three on the grounds that the requested information sought in said Admission is not relevant to any issue raised in the lawsuit, and it is not reasonably calculated to lead to the discovery of any admissible evidence. Plaintiff further



expands upon this objection by referencing the wording of Honorable Judge Wilson Fields at the March 25, 2013 Summary Judgment motions oral arguments when Defense Counsel Bankston brought up the content of request for admission number three in attempting to argue that the act "cured the violation," and Judge Fields responded directly to Mr. Bankston: "Counsel, just as Mr. Burns has just argued, that action (of "resetting" deliberations) seeks to water down the law to make it of no effect."

**REQUEST FOR ADMISSION NUMBER FOUR:**

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

**RESPONSE TO REQUEST FOR ADMISSION NUMBER FOUR:**

See response to request for admission number three.

**REQUEST FOR ADMISSION NUMBER FIVE:**

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

**RESPONSE TO REQUEST FOR ADMISSION NUMBER FIVE:**

See response to request for admission number three.

**REQUEST FOR ADMISSION NUMBER SIX:**

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

**RESPONSE TO REQUEST FOR ADMISSION NUMBER SIX:**

Admit.

**INTERROGATORIES**

**INTERROGATORY NUMBER ONE:**

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.

**RESPONSE TO INTERROGATORY NUMBER ONE:**

Plaintiff answered all interrogatories on his own. Plaintiff's address is 4155 Essen Lane, Apt. 228, Baton Rouge, LA 70809-2152, and his telephone number is 225-201-0390 (home) and 225-235-4346 (cell).

**INTERROGATORY NUMBER TWO:**

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

**RESPONSE TO INTERROGATORY NUMBER TWO:**

As admitted in both request for admission of facts two (2) and six (6), Defendants, with the exception of Greg Bordelon, voted to issue a "public reprimand" of Plaintiff after an approximate 53-minute closed door session during which the details of clearly derogatory statements were made regarding Plaintiff as evidenced by the fact that Board Member Darlene Jacobs-Levy relayed that three (3) of the five (5) Defendants voted to revoke Plaintiff's license. Plaintiff's character has been defamed publicly by the mere issuance of the public reprimand as a result of the following conditions:

1. Defendants failed miserably to even assert that Plaintiff had acted in any grossly negligent manner regarding a complaint filed by New Orleans Auction Galleries attorney Stewart Peck. In fact, Defendants failed to obtain sworn statements from Mr. Peck and failed to have Mr. Peck attend the hearing. Rather than properly investigating Mr. Peck's allegations, Defendants merely took his complaint and "ran to the house" with it, and Defense Counsel Bankston merely read from it, and produced absolutely nothing in the way of any document, webpage, or any other material whatsoever to substantiate the allegation. Apparently, Defendants failed to comprehend that, at such a proceeding, Defendants bear the burden of proof, and they permitted Defense Counsel Bankston to proceed and thereafter flounce around like a fish out of water producing nothing because there was nothing to produce!
2. Ms. Jacobs-Levy, in speaking for the Board (with the exception of Greg Bordelon – see # 6 below), relayed that the Board was issuing a "public reprimand" because "when you 'go after' three of our employees....." Ms. Jacobs-Levy's statements were themselves defamatory in that the issue of Ms. Edmonds alleged payroll fraud has been the subject of extensive scrutiny by the Legislative Auditor's Office. Plaintiff, and any other citizen for that matter, has the right to provide information to State Governmental agencies and permit them to act upon that information. Mr. Patrick Lowery admitted under oath that he had in fact relayed that, upon verification of the documentation presented by Plaintiff, Ms. Edmonds would be guilty of "blatant payroll fraud." Defendants heard Plaintiff's testimony that Mr. Lowery had encouraged Plaintiff to contact Channel 9, and two Defendants were aware that

Plaintiff did so and Mr. Paul Gates and David Spunt arrived just before the March 21, 2011 LALB meeting with cameras rolling. As relayed by Plaintiff during his testimony, Mr. Gates, upon being diagnosed with Alzheimer's days after that filming episode, informed Plaintiff that "we're just going to have to let the Legislative Auditor's Office handle this one." Defendants heard Plaintiff's testimony that Mr. Lowery also urged Plaintiff to contact "2 on Your Side" regarding the payroll situation at both the LALB and Interior Design Board. Defendants heard Plaintiff's testimony that Mr. Lowery sent Plaintiff a letter dated April 1, 2011 expressing pleasure that Plaintiff had delivered all of the documentation to the Legislative Auditor's Office. Despite all of the corroborating statements supplied that Plaintiff was seeking to safeguard LALB funds (which is supposed to be an obligation of Defendants), Defendants admit that Plaintiff's very attempts to safeguard licensee funds (of which he was a paying licensee during all pertinent times in question) was the very reason they were issuing the "public reprimand." Plaintiff has EVERY RIGHT (and Plaintiff again emphasizes the word "RIGHT") to insist that any discussions in that regard that pertain to his character MUST be discussed in an open forum when Plaintiff insists upon same. Notwithstanding Plaintiff's repeated admonitions to Defendants at numerous prior Board Meetings, including the Board Meeting of May 21, 2012 during which Defense Counsel Bankston attended and informed Defendants that Defendants did not have the criteria in place to convene an Executive Session, Defendants chose to convene an illegal Executive Session (which has been admitted in pleadings) and CLEARLY defame Plaintiff to a degree even further than the defamatory statements made by Member Jacobs-Levy in "publicly reprimanding" Plaintiff in an open forum when Defendants had no grounds whatsoever for taking that action. Defamation suits are strongest when malice can be readily demonstrated, and the fact that three (3) of five (5) Members voted to revoke Plaintiff's license with no grounds whatsoever, is clear malice, and Plaintiff was denied the opportunity afforded to him under LA R. S. 42:17(A)(1) to observe and videotape those deliberations. To the extent Plaintiff's grounds for a Cause of Action against the individual Board Members and the Board has been lessened by those secretive deliberations, Plaintiff has unquestionably been harmed.

3. Itemization number two (2) above is repeated regarding Plaintiff's long-held belief that no single attorney should hold the position of general counsel and prosecuting

attorney. Ms. Jacobs-Levy's statements, in speaking for the Board, that Plaintiff had "gone after" an employee of the Board, in this case Anna Dow, is false, scurrilous and without any foundation whatsoever. Pursuant to LA Code of Civil Procedure 971, Plaintiff is fully protected from the type of retaliatory actions of Defendants where issues of public interest are in question. Plaintiff is fully entitled to state his opinion (obviously shared by many others as evidenced by the plethora of litigation entailing state agencies where one attorney shares that same role) without any fear of being "publicly reprimanded." Whatever all was said in regard to that issue, which Defendants had ZERO ground for pursuing in the first place, was material to which Plaintiff was fully entitled to hear and videotape pursuant to LA R. S. 42:17(A)(1).

4. The third "employee" to which Ms. Jacobs-Levy, again speaking for the Board with slight exception for Greg Bordelon – again see # 6 below – would be LALB Chairman Tessa Steinkamp. Plaintiff created a webpage of summation of past chronological filings of New Orleans Auction Galleries during its bankruptcy period. Those filings shed light on serious auction violations as well as auction bidders having been allegedly defrauded with merchandise (most notably items like paintings and chicken blood stones) that were known by New Orleans Auction Galleries to be fakes (with the paintings arriving with Christie's rejection stickers on them). Plaintiff is, and remains, dismayed that, particularly an office-holding member of the LALB, Ms. Steinkamp, in her long-time role as Vice Chairman, would conceal all of these problems from the very regulatory body on which she serves. That fact is particularly disturbing considering that Ms. Steinkamp was identified as "Vice President, Director, and Treasurer" of New Orleans Auction Galleries right up until 11 days before the firm filed bankruptcy. Any discussions which transpired behind closed doors entailing Plaintiff "going after" an LALB employee, Ms. Steinkamp, should have been readily available for Plaintiff to both observe and videotape for purposes of buttressing a defamation lawsuit against LALB Members and the LALB itself. Again, pursuant to LA Code of Civil Procedure 971, Plaintiff has EVERY right to question Ms. Steinkamp's long-term silence regarding all of the extensive auction law violations which transpired at New Orleans Auction Galleries. Thus, for the LALB membership to "protect one of its own behind closed doors" and emerge and issue a "formal reprimand" of Plaintiff for the stated reasons Ms. Jacobs-Levy provided "going after one of our employees," again speaking on behalf of the Board

with an exception for Greg Bordelon (again see # 6 below), is defamation on its face, and Plaintiff was unquestionably harmed by not being permitted to view and videotape the full extent of the defamation which transpired on September 17, 2012.

5. When Plaintiff went to renew his CPA certificate for 2013, he had to respond to the question "have you been the subject of an investigation by a licensing board...." with "yes" due to the witch-hunt pursuit of Defendants when they had nothing! While Plaintiff was able to provide direct video coverage of the entirety of the hearing itself to the State Board of CPAs of Louisiana (and did so), Plaintiff was denied the opportunity to provide the deliberations portion of the hearing in order that the State Board of CPAs of Louisiana could assess statements made by Board Members in concluding that a "public reprimand" was a responsible action on the part of Defendants. Plaintiff remains in limbo as to what impact Defendants' action may ultimately have on his status as a CPA (inactive) in Louisiana, and he most certainly was entitled to have been able to provide the State Board of CPAs of Louisiana with the deliberations portion of that hearing as dictated by LA R. S. 42:17(A)(1).
6. Items 1-5 are repeated concerning Board Member Greg Bordelon; furthermore, Plaintiff was most certainly harmed by Defendants' actions of shielding Member Bordelon's comments behind closed doors as he is the only one to publicly admit, as evidenced by lines 13-19 of page 12 of the transcript of the January 8, 2013 "reset deliberations": "I can't comment based on my attorney's - my personal attorney's advice. Because I didn't vote to reprimand him. I thought we should have went further." Plaintiff was most assuredly harmed by an inability to hear the statements made by Board Member Bordelon and, by his own admission, Plaintiff is now denied that opportunity because Member Bordelon has advised him not to comment on the matter! Further, upon Plaintiff providing an audio roll call of Mr. Bordelon's response to the November 5, 2012 LALE meeting (the first after the September 17, 2012 hearing) of "I's here, too," (in following Board Member Sims' response of "I's here,"), Mr. Bordelon defamed Plaintiff's character in a libelous statement to Advocate reporter Ted Griggs which was printed in the December 22, 2012 Advocate: "I know I never said that. I never heard nobody say it either." Thereafter, Bordelon relayed to reporter Griggs, "former Board Member Robert Burns is trying to stir up controversy in an effort to make the Auctioneers Board look bad. Bordelon said Burns has been a thorn in the Board's side ever since Gov. Bobby

Jindal kicked Burns off a few years ago." Interestingly, Mr. Bordelon reversed course during an Inspector General investigation of the roll call response and admitted that he responded to the roll call with "I's here, too," and contradicted himself once again (referencing saying "I never heard nobody say it either") in relaying in that report that he was mocking Board Member Sims after he heard Sims respond with "I's here," when his name was called for the roll. Given Mr. Bordelon's obvious harsh feelings toward Plaintiff, and his own admission on January 8, 2013 that he believed the Board should have "went further," Plaintiff was most certainly harmed in not being able to observe precisely what all was said by Mr. Bordelon during that admittedly-illegal Executive Session.

**INTERROGATORY NUMBER THREE:**

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.

**RESPONSE TO INTERROGATORY NUMBER THREE:**

Plaintiff objects to this Interrogatory as it is overbroad, unduly burdensome, and irrelevant, as the information sought is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects upon relevancy given that Defendants have admitted in pleadings and memorandums that the Open Meetings Law was violated.

**INTERROGATORY NUMBER FOUR:**

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).)

**RESPONSE TO INTERROGATORY NUMBER FOUR:**

See response to Interrogatory Number three.

**INTERROGATORY NUMBER FIVE:**

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.

**RESPONSE TO INTERROGATORY NUMBER FIVE:**

Plaintiff may not call any witnesses whatsoever at trial. Defendants have admitted in pleadings and memorandums to having violated Louisiana's open meetings law. Therefore, at present, Plaintiff is content to place the burden of undoing this admission of guilt upon Defendants. Plaintiff reserves the right to supplement this response at a later date.

**INTERROGATORY NUMBER SIX:**

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).

**RESPONSE TO INTERROGATORY NUMBER SIX:**

Reference paragraphs 9, 10, and 12 of Plaintiff's original petition, repeated below:

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9.

On no less than six (6) previous meetings, the LALB has routinely sent Petitioner a certified letter, as required by LA R. S. 42:17(A)(1), indicating the LALB's intent to discuss Petitioner's character and affording him the option of insisting that such discussion take place in an open forum. For each of those instances, Petitioner has indicated that he desired for the discussion to take place in an open format and not in Executive Session.

10.

The last such letter Petitioner received from the LALB regarding the required notice of anticipated character discussion was dated May 15, 2012 and is attached hereto and made a part hereof as Exhibit P-1. Furthermore, the regularity with which Petitioner was receiving these letters (basically before every meeting from late 2010 to mid 2012) is readily apparent in that the LALB's Executive Assistant failed to even change the deadline date at the bottom of the letter, Exhibit P-1, and left it as "Monday, March 19, 2012" even though, as stated above, the letter itself was dated May 15, 2012.

12.

During the May 21, 2012 LALB meeting, the Board motioned itself into Executive Session for a matter in which Petitioner knew it would be impossible for Members not to discuss his character. Petitioner indicated to the LALB at that May 21,

2012 LALB meeting that he had received the "character letter," Exhibit P-1, and, furthermore, that he had been advised by his attorney, whom he did not identify at that time to be Mr. Kleinpeter, that no discussion of him was appropriate in any manner whatsoever either in an Executive Session or open session. Accordingly, as evidenced by the top of page three (3) of the minutes of that meeting, which are attached hereto and made a part hereof as Exhibit P-2, the LALB abruptly reversed itself and reconsidered the motion to enter into Executive Session and actually made a new motion not to enter into Executive Session with Members Greg Bordelon and Vice Chairman James Sims in opposition, thus maintaining their defiant stand to enter into Executive Session, Petitioner's admonition relayed indirectly from his attorney notwithstanding.

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The above episode of May 21, 2012 demonstrates pretty authoritatively that LALB Members are determined to violate Louisiana Open Meetings Laws, especially in the case of Defendants Bordelon and Sims, in defying the advice of their own legal counsel! Further, every member of the Board has been aware of the "character letters" sent out not only to Plaintiff but also to Rev. Freddie Lee Phillips as well, regarding repetitive desires to discuss "character." Notwithstanding Executive Director Sandy Edmonds' revelation before the hearing that, "The Board will be going into Executive Session," no Defendant denies having failed to provide the "character letter" at least 24 hours before the meeting. Thus, Defendants had zero intent to permit Plaintiff to insist upon open forum deliberations.

**INTERROGATORY NUMBER SEVEN:**

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.

**RESPONSE TO INTERROGATORY NUMBER SEVEN:**

Plaintiff objects to Interrogatory Number Seven on the grounds that the information sought is equally available to the propounding party as any such suit was filed in Louisiana's 19<sup>th</sup> JDC. Furthermore, this request is neither relevant to the subject matter of this lawsuit, nor is it reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION**

**OF DOCUMENTS AND THINGS REQUESTED**

**REQUEST FOR PRODUCTION NUMBER ONE:**

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.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER ONE:**

All documents referenced are already in the possession of Defendants either in the form of pleadings or Exhibits to pleadings.

**REQUEST FOR PRODUCTION NUMBER TWO:**

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.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER TWO:**

Plaintiff is unaware of any exhibits to be introduced which have not already been supplied to Defendants. Plaintiff reserves the right to supplement this response at a later date.

**REQUEST FOR PRODUCTION NUMBER THREE:**

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.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER THREE:**

All such documents were provided as exhibits to the Petition. Plaintiff reserves the right to supplement this response at a later date.

**REQUEST FOR PRODUCTION NUMBER FOUR:**

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.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER FOUR:**

Plaintiff objects to Request for Production Number Four on the grounds that the information/documentation sought in said Production Request is not relevant to any issue raised in the lawsuit, and it is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects based on the grounds that the request fails miserably to conform to LA CCP 1420(B)(3) in being "unreasonable, unduly burdensome, or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation."

**REQUEST FOR PRODUCTION NUMBER FIVE:**

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.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER FIVE:**

Plaintiff objects to Request for Production Number Five on the grounds that the information/documentation sought in said Production Request is not relevant to any issue raised in the lawsuit, and it is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects based on the grounds that the request fails miserably to conform to LA CCP 1420(B)(3) in being "unreasonable, unduly burdensome, or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation."

**REQUEST FOR PRODUCTION NUMBER SIX:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER SIX:**

To the extent Plaintiff understands the request, which would be sworn affidavits which may be in his possession, or similar instruments or recordings, no such statements are in his possession. Plaintiff reserves the right to supplement this response at a later date, particularly to the extent that he may likely not understand what is being requested.

**REQUEST FOR PRODUCTION NUMBER SEVEN:**

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.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER SEVEN:**

Plaintiff objects to Request for Production Number Seven on the grounds that the video sought is equally available to the propounding party as Defendants opted to hire a professional videographer for the hearing on September 17, 2012.

**REQUEST FOR PRODUCTION NUMBER EIGHT:**

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

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER EIGHT:**

Plaintiff objects to Request for Production Number Eight on the grounds that the recordings sought in said Production Request is not relevant to any issue raised in the lawsuit, and it is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff

further objects based on the grounds that the request fails miserably to confirm to LA CCP 1420(B)(3) in being "unreasonable, unduly burdensome, or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation." Plaintiff further objects on the grounds that any recordings sought is equally available to the propounding party as Defendants routinely audio record all meetings (but fail to record Executive Sessions, irrespective of the legality of such sessions).

**REQUEST FOR PRODUCTION NUMBER NINE:**

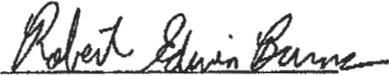
Please produce all documents and electronically stored information reflecting, evidencing, or relating to the LALB.

**RESPONSE TO REQUEST FOR PRODUCTION NUMBER NINE:**

Plaintiff objects to Request for Production Number Five on the grounds that the information/documentation sought in said Production Request is not relevant to any issue raised in the lawsuit, and it is not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff further objects based on the grounds that the request fails miserably to confirm to LA CCP 1420(B)(3) in being "unreasonable, unduly burdensome, or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation."

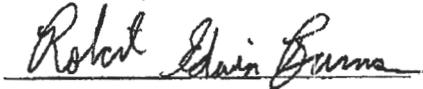
Respectfully Submitted,

Robert Edwin Burns, in proper person  
4155 Essen Lane, Apt 228  
Baton Rouge, LA 70809-2152  
(225) 201-0390 (office) (225) 235-4346  
E-mail: [Robert@AuctionSellsFast.com](mailto:Robert@AuctionSellsFast.com)



**Certificate of Service:**

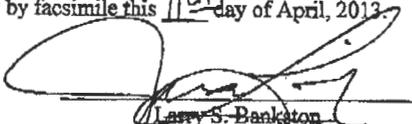
I certify that a copy of the foregoing has been served upon counsel for all parties to this proceeding by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 20<sup>th</sup> day of April, 2013.





**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing has been served on all counsel of record by placing same in the United States Mail, properly addressed and postage paid, and/or by electronic mail, and/or by facsimile this 11th day of April, 2013.

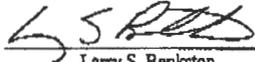
  
Larry S. Bankston  
Jennett Linn

cc: Court Reporters



**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing has been served on all counsel of record by placing same in the United States Mail, properly addressed and postage paid, and/or by electronic mail, and/or by facsimile this 25<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_  
Larry S. Bankston

cc: Court Reporters

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**Jenna Linn**

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**From:** Robert Burns [robert@auctionsellsfast.com]  
**Sent:** Friday, August 23, 2013 12:01 AM  
**To:** 'Larry Bankston'  
**Cc:** Boyce, Emalie; 'Jenna Linn'  
**Subject:** Wednesday's Deposition and Formal Written Demand Letter of August 23, 2013  
**Attachments:** Written\_demand\_08.18.13.pdf

Mr. Bankston:

Two quick points:

1. Regarding Wednesday's deposition @ 2 p.m. (open meetings violation for illegal Executive Session), please be advised that I intend to bring a tripod and camcorder to videotape the deposition.
2. Formal written demand letter along with fully-drafted lawsuit to be filed if that formal written demand is not met are attached.

Since Ms. Dow has always said the Attorney General's Office is to be informed of any imminent lawsuit, I've taken the liberty of copying Ms. Emalie Boyce of the AG's Office on this email.

Thanks, and see you Wednesday.



**LOUISIANA ASSOCIATION OF  
PROFESSIONAL AUCTIONEERS**

**Robert Edwin Burns, Vice President**  
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(225) 201-0390 (225) 235-4346  
[www.auctioneer-la.org](http://www.auctioneer-la.org)





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

Larry S. Bankston  
lsb@bankston.com  
Jenna H. Linn  
jhl@bankston.com

August 23, 2013

VIA U.S. MAIL & ELECTRONIC MAIL:  
[robert@auctionsellsfast.com](mailto:robert@auctionsellsfast.com)

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  
B&A File No. 1107-0002

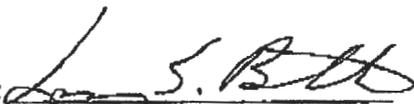
Dear Mr. Burns,

We are in receipt of your e-mail sent this morning on August 23, 2013. Please be advised that we object to the use of a tripod and camcorder for the purpose of videotaping the deposition on August 28, 2013. A copy of the transcript will be available for you to purchase from the court reporter. Additionally, if desirable, you may hire a disinterested professional videographer to videotape the deposition.

Thank you for your attention to this matter.

Sincerely,

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

By:   
Larry S. Bankston

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





**Jenna Linn**

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**From:** Robert Burns [robert@auctionsellsfast.com]  
**Sent:** Tuesday, September 03, 2013 1:05 PM  
**To:** 'Larry Bankston'  
**Cc:** Freddie Phillips; 'Janet Rober'; 'Jenna Linn'  
**Subject:** FW: Price Guideline for Videographer Services for Deposition

Mr. Bankston:

As you will recall, you sent me an email last week relaying an objection to my bringing a video camcorder and tripod to videotape the deposition scheduled for last Wednesday (Aug. 28). You indicated a willingness to permit a professional videographer to come and videotape the deposition and relayed that the dates of September 11, 12, and 13 were open for you thereafter for that purpose.

The cost of videotaping of the deposition would be covered by LAPA funds. As you no doubt know, LAPA charges no membership fee and, accordingly, everything is funded out of the pockets of founder and President Rev. Freddie Lee Phillips and myself.

Rev. Phillips, whom I've copied on this email, has asked me to relay that the cost of hiring a videographer (\$570 minimum as outlined by the quote below) is unacceptable. Rev. Phillips also relayed that, just as I believe, the licensees of this state are fully entitled to view a videotape of the deposition, which LAPA intends to provide over its website the very same day as the deposition is taken.

Rev. Phillips has asked me to inform you that he is volunteering his services at no charge to videotape the deposition. He also asked that I relay that he has top-notch video equipment which he utilizes for the broadcasting of his church services which he will be utilizing for videotaping the deposition.

We are happy to provide this avenue of Rev. Phillips videotaping the deposition as a compromise to your objection to an unmanned tripod and camcorder for videotaping purposes. Rev. Phillips indicated that he is readily available for such services; however, he emphasized that he needs to depart your office no later than 1 p.m. in order that he make his bus route runs later on the afternoon of any such videotaping.

Accordingly, if you will supply a date convenient to all parties with the understanding that Rev. Phillips needs to depart no later than 1 p.m., we can line up the deposition.

If for any reason the above-outlined scenario remains objectionable to you, file the Motion to Compel and Motion for Sanctions you referenced that you would file in your email to me last week. I will respond with an appropriate Opposition Memorandum and any other associated filing which I deem appropriate.

Hope your extended Labor Day Weekend was enjoyable.





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**From:** Jeffrey Horner [mailto:[jeffrey@videoreflectionsstudio.com](mailto:jeffrey@videoreflectionsstudio.com)]  
**Sent:** Monday, August 26, 2013 3:52 PM  
**To:** Robert Burns  
**Subject:** RE: Price Guideline for Videographer Services for Deposition

Hey Robert, I will be glad to help you out with this deposition. My rates are \$285 for up to two hours, with a two hour minimum, and \$85 per hr after that. Thank you for asking about my trip. I'm still on the road but I wanted to let you know that I'm available.

Thank you,  
Jeffrey Horner, CLVS  
225.216.3456  
[www.videoreflectionsstudio.com](http://www.videoreflectionsstudio.com)

----- Original message -----  
**From:** Robert Burns <[robert@auctionsellsfast.com](mailto:robert@auctionsellsfast.com)>  
**Date:** 08/26/2013 3:33 PM (GMT-06:00)  
**To:** [jeffrey@videoreflectionsstudio.com](mailto:jeffrey@videoreflectionsstudio.com)  
**Subject:** Price Guideline for Videographer Services for Deposition

Mr. Homer:

I just called and spoke with Tammy at your office. She relayed that you are on a trip to Tennessee and that I could likely speak with you late-afternoon tomorrow.

I was scheduled for a deposition on Wednesday at 2:00 p.m. in a case in which I am in the capacity of Plaintiff pro-se. On Friday, I expressed my desire to bring a camcorder and tripod and videotape the deposition. I firmly believe that I have the legal authority to do so; however, counsel representing the defendants has stated that he intends only to acquiesce to a disinterested, 3<sup>rd</sup> party videographer.

Can you provide me with some pricing guidelines for your services? I certainly appreciate it, and I hope you had an enjoyable trip to Tennessee and return trip home.



LOUISIANA ASSOCIATION OF  
PROFESSIONAL AUCTIONEERS

**Robert Edwin Burns, Vice President**

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