

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

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**MEMORANDUM REITERATING PETITIONER'S LACK OF OBJECTION  
TO PROVIDING DEPOSITION BUT WITH THE RIGHT TO VIDEOTAPE  
SAME IN A COST-EFFECTIVE MANNER**

NOW UNTO COURT comes Petitioner, Robert Edwin Burns, in proper person, who provides this Memorandum reiterating his lack of opposition to providing his Deposition in the above entitled matter with the mere stipulation that he and his business partner and friend, Rev. Freddie Lee Phillips, be permitted to videotape the Deposition for dissemination to Louisiana auction licensees and other interested parties in an expeditious and cost-effective manner.

Petitioner has never and does not now purport that the videotaping of such deposition could or would be used as evidence at trial in this matter. Petitioner knows full well this Honorable Court would rule the video inadmissible. Petitioner therefore argues that the one court-approved source of evidence for trial, the Court Reporter, has never been at issue in the present matter. The recording of the Deposition would be performed by a disinterested party (the Court Reporter), and the resulting transcript would be available for either side to introduce as evidence at trial in the matter.

Defense Counsel has steadfastly reinforced his clients' desires for secrecy of LALB proceedings as demonstrated by the illegal secrecy which gave rise to the present Petition by Petitioner in the first place. Mr. Bankston's adamant stand regarding objecting to Petitioner's videotaping of the Deposition continues the pattern of attempting to assert roadblock after roadblock to transparency of LALB issues. This Honorable Court should send the strongest possible message that transparency of public bodies is not only going to be enforced as the law dictates, but that it will be enforced without imposing undue costs and burdens upon those seeking to provide such transparency. As Defense Counsel references, in the instant case, those parties are Petitioner and his long-time friend, Rev. Freddie Lee Phillips.

Defense counsel is well-aware that Petitioner and Rev. Phillips have been videotaping meetings and hearings of the LALB and disseminating them to the auctioneer base in Louisiana for nearly three (3) years. Defense counsel avers that he and Defendants (5<sup>th</sup> line-from-bottom of 5<sup>th</sup> page of

Memorandum Motion filed by Defendants): **"fear that such videotaping methods suggested by Petitioner, if permitted, may be manipulated or non-objectively edited, impairing the accurate and trustworthy use of the video deposition."** If Defense Counsel and Defendants have such "fear," why do they fail to cite a single incident of Petitioner or Rev. Phillips having done so over the last three (3) years?

The answer is because they either cannot cite such an instance or, more likely, they would be too

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embarrassed to reveal to this Honorable Court some of the episodes which Petitioner, who never disseminates any audio or video of the LALB without first obtaining the approval of LAPA President Rev. Phillips, has captured on audio or video tape, to wit:

**November 5, 2012:** Two “I’s here” roll call responses by LALB Members, one of whom, Greg Bordelon, has recently had his LALB Membership severed, though the LALB has declined to state whether that severing resulted from a “resignation” or whether Gov. Jindal removed Mr. Bordelon from the LALB.

**September 19, 2011:** Board Attorney Anna Dow singling out Rev. Phillips, a then-sitting LALB Member, and asking him four (4) times in a two (2) minute span: “**Are you carrying a weapon?**” [This video is the single most-watch video of all, with 417 unique views as of November 18, 2013].

**July 18, 2011:** Board Chairman Tessa Steinkamp threatening Rev. Phillips’ auction license for his intent to open discussion on auction statute violations by her employer, New Orleans Auction Galleries (NOAG). Those violations included #1) paying company operating expenses with consignor escrowed funds, and #2) over \$600,000 in unpaid consignors at the time of the company’s April 1, 2011 bankruptcy filing. At the time of filing, NOAG, a firm for which Ms. Steinkamp served as Vice President, Treasurer, and Director, had approximately \$260,000 in assets (after removing an approximate \$210,000 worthless intercompany receivable) and over \$5 million in liabilities!

**January 10, 2011:** Board Attorney Anna Dow and then-Chairman James Comer both threatening to sue Rev. Phillips, as a sitting Board Member, for his mere questioning of Mr. Comer’s approval of Ms. Dow being paid for her attendance at a NALLOA conference, a conference for which the LALB formally denied Rev. Phillips’ request to attend (with Petitioner being the only affirmative vote other than Rev. Phillips to permit him to attend). Mr. Comer “resigned” within days of that January 10, 2011 meeting.

**August 2, 2010:** Member (and former long-time Chairman) Delmar “Buster” Gay point-blank stating that Rev. Phillips would be an “embarrassment” if he were permitted to attend the above-referenced NALLOA conference. Mr. Gay attended only one subsequent LALB meeting before “resigning.” Chairman Steinkamp reiterated Mr. Gay’s statement in flatly stating, “Freddie, I wouldn’t want you to represent this Board.” As of the date of this submission, November 18, 2013, Ms. Steinkamp remains a Member of the LALB and continues to serve as its Chairman.

Petitioner could cite numerous other instances, but he believes this Honorable Court gets the point. Perhaps the above-referenced instances constitute the “fear” of “manipulation” expressed by Defense Counsel and his Defendant clients. Rev. Phillips

has repeatedly stated to Defendants, "If it occurs in public in this room, make it public!" Petitioner and his friend and business partner, Rev. Freddie Lee Phillips, seek to do nothing more than provide transparency to licensees, many of whom have expressed great appreciation for the videos of the LALB deliberating areas crucial to their profession (e.g. absolute auctions, apprentice program modifications, etc.). These auctioneers and others have a right to view the Deposition without Petitioner or Rev. Phillips incurring unwarranted expense for same, and Defendants have failed to assert even a single incident of "video or audio manipulation" in their Memorandum. Given the extended period these videos have been produced, this failure is an affront to this Honorable Court given Defendants' position as stated in its Memorandum/Motion.

To further demonstrate Defense Counsel's steadfast resolve to block transparency, Petitioner attaches to and makes a part hereof, Exhibit S-4, the Sworn Affidavit of LAPA President Rev. Freddie Lee Phillips and an accompanying complaint Rev. Phillips filed with the Louisiana Attorney General's Office on November 8, 2013. Rev. Phillips sought to have LAPA's link added to the LALB's website. When the matter was initially considered on March 5, 2013, Board Member Charles "Hal" McMillin sought for Defense Counsel to provide his opinion regarding the matter, to which Mr. Bankston (as clearly captured on videotape) stated quite emphatically that the link should **not** be added. Defense Counsel knows the website contains direct links to embarrassing episodes of LALB members as outlined on page two (2) of this Memorandum as well of auctioneer hearings outlining the victimization of auction consignors, many of whom are quite elderly. Rev. Phillips filed the complaint asserting that he has been blatantly discriminated against due to his race in that he is the only African American auctioneer in Louisiana's history. He also asserts that his rights under the First Amendment of the Constitution of the United States have been violated by the Board's refusal to place LAPA's website link on the LALB's website while simultaneously maintaining two other trade associations' links, namely the Louisiana Auctioneer Association and the National Auctioneer Association. It was Defense Counsel who provided the "guidance" for excluding the link on the LALB's website because he consistently seeks to produce roadblock after roadblock to LALB transparency just as he is doing in insisting upon a certified videographer in the instant situation.

Finally, even if a professional videographer were hired, that videographer would merely provide a .wmv (or similar) file on a DVD to Petitioner who, thereafter, could merely use Windows Movie Maker (or similar program) to “manipulate” that video file! That fact makes Defense Counsel’s argument absurd on its face (or else exposes ignorance of computer programming and software on Defense Counsel’s part). Additionally, Defense Counsel would not hesitate for one second to expose such “manipulation” of the video to this Honorable Court, thereby only making Petitioner look bad in the eyes of this Court, thus enhancing Defendants’ position in the case!

What Defense Counsel “fears” is that Petitioner would be able to disseminate in very short order the Deposition to the auctioneer base, thus resulting in Defense Counsel being held accountable for the need (or lack thereof) for such Deposition and its content. Defense Counsel would then be on the defensive in needing to justify the expense to the auctioneers for the Deposition being conducted regarding a black-and-white Open Meetings Violation Lawsuit. Defense Counsel may also “fear” that, when Petitioner is afforded the opportunity to cross-examine himself, during which he plans to speak in prose, he will very succinctly and authoritatively state why Defendants are liable unto him for their blatant, wilful, and knowing violation of LA R.S. 42:17(A)(1)! Defense Counsel certainly has the prerogative to object to Petitioner’s prose statements; however, Defense Counsel knows full-well that this Honorable Court will overrule his objections, and the fact that Defense Counsel even objected would be viewed very negatively by the auctioneer base and others who have expressed interest in these videos.

Petitioner concludes by finding it interesting that Defense Counsel would discourage this Honorable Court from using “hindsight” (top of page 7 of Defendants’ Memorandum/Motion) to evaluate whether his Motion for Sanctions against Defense Counsel is warranted when no “hindsight” whatsoever is needed! Defense Counsel knew full-well what the issues at stake in this Petition were and are (nothing has changed, making the reference to “hindsight” all the more bizarre!), and they are simple: #1) did Defendants provide the required 24-hour written notice (no), and #2) did Defendants convene an Executive Session against the expressed desires of Petitioner for such discussion of his character to be conducted in an Open Meeting (yes). Defense Counsel is now utterly embarrassed to have to defend the voluminous requests made of Petitioner;

furthermore, in demonstrating to this Honorable Court Petitioner's willingness to adhere even to such absurd requests, Petitioner attaches hereto and makes a part hereof, Exhibit S-5, Petitioner's Supplemental Response to these requests dated June 20, 2013. It is Petitioner's sincere hope that this Honorable Court will inquire of Defense Counsel as to how any of the requested material is relevant or expected to result in relevant evidence. It's amazing that Defense Counsel believes he can merely assert that "it's relevant" without even the slightest elaboration whatsoever, which is another affront to this Honorable Court. Hence, Petitioner sincerely hopes this Honorable Court will insist upon an elaboration on the part of Defense Counsel at the December 2, 2013 hearing.

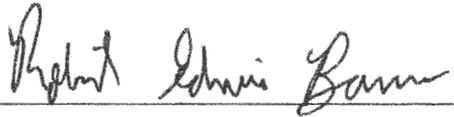
WHEREFORE, Petitioner, Robert Edwin Burns, in proper person, prays that this Memorandum result in the following actions by this Honorable Court:

- a. Petitioner be permitted to himself videotape (via an unmanned tripod) a subsequently-scheduled Deposition which he's never asserted would be used as evidence at trial but would merely continue he and Rev. Phillips' goal of full LALB transparency (or be permitted to utilize the volunteered services of Rev. Phillips for videotaping).
- b. Defendants' requests for attorney's fees be DENIED since granting same would further demonstrate that those seeking to provide transparency of public deliberations can be expected not only to be dealt with in a punitive manner by the public body but then again by the Courts whose purpose is to promote the transparency of public issues.
- c. Petitioner's Motion for Sanctions be GRANTED as Defense Counsel is practically apologizing in his Memorandum/Memo and stating that "if" this Honorable Court finds in Petitioner's favor, that a sliding scale should be used for assessing sanctions and that the instant case is not an "extreme case." Petitioner contends it would be difficult to find a case more egregious in light of the utter simplicity of the subject matter of an Open Meetings lawsuit, and Petitioner draws specific attention to the closing words of LA CCP 1420(B)(3), "....and the importance of the issues at stake in the litigation." As an attorney, Defense Counsel knew the issues at hand and certainly knew the requirements of LA CCP 1420. Consequently, no "hindsight" whatsoever is

required by this Honorable Court, and Petitioner emphatically reasserts that the requests were interposed for the sole and exclusive purpose of harassing Petitioner.

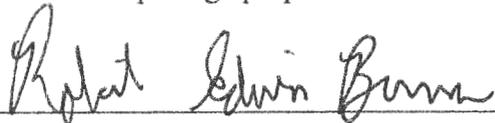
Respectfully Submitted,

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: [rburnsbtr@hotmail.com](mailto:rburnsbtr@hotmail.com)

  
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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 18<sup>th</sup> day of November, 2013.

  
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# AFFIDAVIT OF REV. FREDDIE LEE PHILLIPS, JR.

STATE OF LOUISIANA

PARISH OF East Baton Rouge

On this 18<sup>th</sup> day of November, 2013, before me, Notary Public, in and for the Parish of East Baton Rouge, State of Louisiana, and in the presence of the undersigned witnesses personally appeared:

Rev. Freddie Lee Phillips, Jr., President and Founder of the Louisiana Association of Professional Auctioneers (LAPA), whose official business street address is declared to be 8055 Hanks Drive, which is located in the city or town of Baton Rouge in the State of Louisiana, and for which the zip code is 70812.

Who did state before me that he requested of the Louisiana Auctioneer Licensing Board that LAPA's website URL, [www.auctioneer-la.org](http://www.auctioneer-la.org), be placed on the LALB's webpage of auctioneer trade association links. Rev. Phillips relayed that he made such request on January 8, 2013. Rev. Phillips further relayed that, on March 5, 2013, the LALB convened a regular meeting and Board Member Charles "Hal" McMillin asked Board Attorney Larry S. Bankston for his recommendation. Rev. Phillips relayed that Mr. Bankston stated emphatically that he would recommend not adding the link. Rev. Phillips relayed that, when he pressed for an explanation regarding why, none was provided but that Mr. Bankston stated during his presentation that the "organization doesn't have hundreds or even tens of members, so it's my recommendation that you not add the link." Rev. Phillips relayed that he brought the issue up again at the July 9, 2013 LALB meeting and asked the Board to seek an Attorney General's Opinion on whether the Board could legally place other trade associations on its website but refuse to place LAPA's link on the LALB's website. Rev. Phillips relayed that no Board Member agreed to request the Attorney General's Opinion. Rev. Phillips then relayed that he brought the issue up again at the LALB meetings of September 10, 2013 and November 5, 2013 and that several Board Members, including Vice Chairman James Sims, reacted angrily, with Mr. Sims (as captured on videotape) even insisting that Chairman Steinkamp have Deputy Ronald Landry "sit him down" in referencing Rev. Phillips. I was then provided by Rev. Phillips with a copy of a formal he asserted was filed with the Louisiana Attorney General's Office dated November 8, 2013. Rev. Phillips represented that the complaint sought for the Attorney General's Office to either issue a mandate that LAPA's website link be included on the LALB's website or, in the alternative, issue a directive that the other trade associations' website links be removed from the LALB's website.

X *Rev. Freddie Lee Phillips, Jr.*

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 18 DAY OF NOVEMBER, 2013  
*[Signature]*  
NOTARY PUBLIC - EAST BATON ROUGE, LA  
MY COMMISSION IS FOR LIFE.

DENNIS J. KIMBLE  
NOTARY PUBLIC  
#50400

S-4



LOUISIANA ASSOCIATION OF  
PROFESSIONAL AUCTIONEERS

November 8, 2013

MR JAMES D "BUDDY" CALDWELL  
ATTORNEY GENERAL, STATE OF LOUISIANA  
P O BOX 94005  
BATON ROUGE LA 70804-9005

Dear Attorney General Caldwell:

I wish to file a formal complaint against the Louisiana Auctioneer Licensing Board (LALB) for the Board's steadfast refusal to place a link on the Board's website, [www.lalb.org](http://www.lalb.org), for the trade association I founded and for which I serve as President, the Louisiana Association of Professional Auctioneers (LAPA). That link is [www.auctioneer-la.org](http://www.auctioneer-la.org).

The Board presently has links for the Louisiana Auctioneer Association and the National Auctioneer Association. LAPA's website provides invaluable guidance for consumers for avoiding problematic auction experiences. Through its repeated and adamant stands refusing to place the link on its website (for which I can provide your office with links for videos of same), I assert the LALB has: #1) blatantly discriminated against me based on my race as I am the only African American auctioneer in Louisiana's history, and #2) blatantly violated my rights under the First Amendment of the Constitution of the United States. The LALB is not some private club but instead is a public agency funded with public funds and therefore does not have the prerogative to discriminate or violate my First Amendment rights. Accordingly, I ask that your office either issue a directive for the LALB to add LAPA's link to the other trade association links on its website or else issue a directive for the LALB to remove the other links presently on its website.

I appreciate your time in considering my complaint, and I look forward to the Attorney General's Office initiating one of the two actions I've outlined in the preceding paragraph.

Sincerely,

Cc: Marjorie Esman, Executive Director – Louisiana ACLU (via email)  
Stephen Street, Louisiana State Inspector General (via email)

  
Rev. Freddie Lee Phillips  
LAPA President and Founder

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

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**PLAINTIFF'S SUPPLEMENTAL RESPONSES TO DEFENDANTS' FIRST  
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:**

Admit. As argued by Plaintiff before Honorable Judge Fields at the March 25, 2013 hearings for Motions for Summary Judgment, that occurrence is analogous to Plaintiff having taken a Delta Airlines flight from Chicago to San Francisco and, during the flight, the pilot, whom Delta hired, committing a serious error which caused the plane to crash. Just as Delta cannot tell Plaintiff in such a scenario, "Well, we relied upon this pilot we hired, so you can't hold us liable," so too is the case in the present situation. Plaintiff made it abundantly clear in numerous past meetings (as well as on September 17, 2012 as did his attorney) that his character was **NOT** to be discussed behind closed doors. Nevertheless, Defendants ignored the admonitions of Plaintiff and Plaintiff's attorney and convened an illegal executive session anyway. As Plaintiff asserted in his original response to this Request for Admission, to the extent Defendants believe the Administrative Law Judge, whom they contracted 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 THREE:**

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

5-5

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

Admit. As argued by Plaintiff before Honorable Judge Fields at the March 25, 2013 hearings for Motions for Summary Judgment, that occurrence is analogous to Defendants having a red light at a major traffic intersection and having blatantly ran the red light and crashed into Plaintiff's car then, thereafter, trying to use the defense that, "We made the block and came back around and, your honor, **this time** when we noticed the red light, we stopped, and we even got out and adjusted Mr. Burns' headlights." Plaintiff then argued that Defendants wished to ignore the fact that the remainder of his car was "smashed to bits;" furthermore, it matters not if Defendants "made the block" 1,000 times after having ran the red light, it changes not one iota the fact that the light was ran on the only date and time in question in this lawsuit: September 17, 2012. As pointed out previously in Plaintiff's first response to this Request for Admission, Plaintiff references the wording of Honorable Judge Wilson Fields at those March 25, 2013 Summary Judgment motions 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." Plaintiff asserted at that hearing that, if it were that simple, **no State agency would make ANY attempt to conform to LA R.S. 42:17(A)(1)**. Instead, the agencies would merely conduct illegal executive sessions and then, **ONLY** if they were sued for such illegal executive sessions, merely "reset" deliberations and thereby negate the entire purpose of the law!

**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:**

Admit. As stated in the Petition, Plaintiff informed Defendants and Administrative Law Judge Lindsey Hunter that the proceedings were a "farce," and an "attempt to put the genie back in the bottle," and that Plaintiff would **NOT** dignify the farce by making any statement, all of which is reflected in the transcript of the proceeding which Defendants have entered into the official court records.

**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:**

Deny. As stated in the Petition, there were no deliberations! Defendants, often in voices barely audible (particularly Vice Chairman James Sims) merely made an incredibly brief (less than two minutes) recap of the action they'd taken. The transcript of the proceeding, which has been entered into the official court records by Defendants, even reflect Administrative Law Judge Hunter having to pry a response from Defendants (reference bottom of page 9 of transcript wherein, after the Court Reporter emphasizes "no response," Judge Hunter inquires, "Can you explain [why] you chose to give him a public reprimand?") Furthermore, on the middle of page 12 of the transcript, Board Member Bordelon states: "**I can't comment** based on my attorney – my personal attorney's – advice." That's a pretty damning statement that there were **NO** deliberations at the January 8, 2013 meeting, not that it would be relevant in any way if there had been because, as referenced in the traffic light analogy of request for admission number two (2), they did not transpire at the only date at issue in this lawsuit: September 17, 2012!

**INTERROGATORIES**

**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:**

My mother, Helen Yvonne Burns, who was present for the hearing and my attorney, Robert Loren Kleinpeter, who represented me at the hearing.

**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:**

Aside from Plaintiff's video of the meeting and perhaps an email or two in which Plaintiff had previously admonished Board Members regarding Open Meetings requirement

(particularly pertaining to Executive Sessions), both of which may reasonably expected to be used at trial, Plaintiff is unaware of any further items which may be utilized. Plaintiff further emphasizes that pleadings for Defendants already admit "open meetings violation" transpired. Plaintiff reserves the right to supplement this response at a later date.

**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:**

<u>Suit Name:</u>	<u>Docket #:</u>	<u>Court:</u>	<u>Nature and Resolution (if applicable):</u>
Robert Burns v. Our Lady of the Lake Hospital (OLOL)	543780 (27)	19 <sup>th</sup> JDC	Amount sought was approximately \$1,100 as a result of inadvertent checking of wrong box on lab invoices by physician, resulting in overcharges for about six (6) blood lab procedures during monitoring period for high triglycerides. Judge was Don Johnson and, immediately after initial status conference just prior to trial, Defendant made settlement offer to plaintiff for roughly half (50%) of the disputed amount and payment of Plaintiff's court costs, and Plaintiff accepted.
Robert Burns v. LALB	595035 (23)	19 <sup>th</sup> JDC	Open Meetings Law Violation for all audience members (including <u>Advocate</u> reporter Ted Griggs) being relegated to standing in the hallway rather than the meeting room for the September 20, 2010 LALB meeting wherein the reinstatement of Ken Buhler's license was discussed and second violation being then-Chairman James Ken Comer's steadfast refusal to permit Plaintiff to speak on two agenda items prior to a vote. Because of <u>vastly</u> improved practices on the part of the LALB and, even more so on the part of Mr. Comer, Plaintiff drafted a letter to Board Attorney Anna Dow indicating his pleasure with the changes and offering to dismiss his suit with the LALB merely covering his court costs. The LALB voted unanimously at the March 21, 2011 meeting to approve the offer to settle made by Plaintiff.
Robert Burns v. Sandy Edmonds	602922 (25)	19 <sup>th</sup> JDC	Malicious prosecution action filed as result of Ms. Edmonds having filed a criminal complaint with the EBRP Sheriff's Department on 4/11/11 and subsequently, on 4/12/11, calling the Terrorism Unit of LA State Police as a result of Plaintiff having, with the express permission of Ms. Karen Kennedy, CEO of the Arthritis Association of Louisiana, utilized the Boardroom at Mr. Steve Winkler's (AA of LA Board Member) building on Summa Court for purposes of producing videos to promote the then-upcoming 30-year Glen Oaks High School Class of 1981 reunion and provide insight on the criteria

for real estate auctions, how they work, etc. That reunion website remains active today: [www.gohs1981.com](http://www.gohs1981.com). Ms. Edmonds took these actions without even so much as the courtesy of a telephone inquiry to Plaintiff of the purpose of his visits. Then-chairman Ken Comer resigned within days of the suit being filed. After several court hearings for Special Motion to Strike (by Defendant, successfully defeated by Plaintiff) and Exception for No Cause of Action, Judge Fields had little option but to dismiss the case once Board attorney Anna Dow signed a sworn affidavit admitting to being the one who advised Ms. Edmonds to call the State Police Terrorism Unit. Ms. Dow, in statements captured on videotape of the July 18, 2011 LALB meeting, falsely stated that Plaintiff's pleadings indicated AA of LA called police and, when Plaintiff corrected Ms. Dow to state, "that's not in my pleadings," Ms. Dow said, "Well, that's what happened." Ms. Dow later said she didn't know who had called police, only to later sign a sworn affidavit indicating she advised Ms. Edmonds to call police and was aware she had done so.

Robert Burns 603248 (24) 19<sup>th</sup> JDC  
v. Anna Dow

Suit regarding absurd claims made by auctioneer Barbara Bonnett which were completely false and malicious against Plaintiff as a result of his steadfast opposition to shill bidding and Ms. Dow proceeding with presenting that garbage to the LALB without making ANY independent investigation whatsoever of Ms. Bonnette's claims. Dow filed special motion to strike, which Plaintiff easily defeated. Dow filed Exception of No Cause of Action, after which Plaintiff amended his complaint to include Ms. Dow's role in the events of 4/11/11 and 4/12/11 referenced above and, when Ms. Dow failed to answer within the timeframe permitted by law [Dow incorrectly stated Plaintiff had failed to properly serve her with Motion for Preliminary Default, but apparently neither she nor her attorney, Joseph "Beaver" Brantley, have read LA CCP 1313(A)(1) and LA CCP 1313(B) lately], Burns filed Motion for Preliminary Default, which was signed by the court. Ms. Dow finally answered through her newly-appointed attorney, Mr. Brantley, and the matter has remained relatively stagnant since that time.

Robert Burns 605769 (25) 19<sup>th</sup> JDC  
v. Arthritis  
Association of  
Louisiana, Karen  
Kennedy,  
Caroline Messenger

Suit filed after, as part of the Sandy Edmonds defense, Louisiana Assistant Attorney General Rodney Ramsey obtained sworn affidavits from Karen Kennedy and Caroline Messenger which were absolute riddled with falsehoods, easily-provable inconsistencies, etc. Defense attorney Joseph "Beaver" Brantley filed a Motion for Summary Judgment which Judge Fields granted.

Robert Burns v. LALB etal.	616916 (25)	19 <sup>th</sup> JDC	Current subject cause of action.
Robert Burns, Rev. Freddie Lee Phillips v. LALB etal.	619707 (27)	19 <sup>th</sup> JDC	Lawsuit filed as a result of certain LALB members, reinforced by LALB attorney Larry S. Bankston, steadfastly refusing to permit discussion of two (2) separate agenda items clearly calling for votes prior to the LALB voting to approve those agenda items. Litigation is ongoing.
LALB v. Robert Burns	621426 (27)	19 <sup>th</sup> JDC	Petition for Writ of Attachment to be issued by the Court as a result of Plaintiff's refusal to acknowledge an on-the-fly, spontaneous, and flat-out whimsical issuance of an <b><u>ORAL instanter</u></b> subpoena entailing Plaintiff testifying on March 26, 2013 for the matter of LALB v. Ken Buhler. Plaintiff, through a daily search for his name in the days leading up to the May 20, 2013 LALB meeting, uncovered the <b><u>Ex Parte</u></b> filing and correspondingly filed a Motion for Sanctions against LALB Attorney Larry S. Bankston for his act of having filed the litigation Ex Parte. A court hearing for both matters has been scheduled for July 22, 2013 at 9:30 a.m.

**REQUEST FOR PRODUCTION**

**OF DOCUMENTS AND THINGS REQUESTED**

**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 has enclosed copies of fourteen (14) emails covering the period April 1, 2012 to present as agreed to as part of a Rule 10.1 status conference conducted on Tuesday, May 28, 2013. Those are all of the emails Plaintiff has been able to uncover through searches of his computer's hard drive for either LALB Members who held such titles as of April 1, 2012 or who held such title at April 1, 2012 and subsequently separated from the LALB (Board Member Lamar Little). Plaintiff is not in possession of any oral communications between him and any LALB Board Members, past or present, covering any time period whatsoever.

**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:**

As agreed to as part of a Rule 10.1 status conference conducted on Tuesday, May 28, 2013, Plaintiff responds that, between the time period of April 1, 2012 and present, Plaintiff and former LALB Executive Director Sherrie Wilks have engaged in approximately 70 – 100 phone conversations. Ms. Wilks, as former LALB Executive Director, was an invaluable resource to Plaintiff regarding all of the shortcomings of basic procedures of the Administrative Procedures Act which were ignored and/or failed to be adhered to by the LALB in the matter of LALB v. Robert Burns. Ms. Wilks was provided with a link to the webpage for the videos of that hearing as well as all of the correspondence to/from the LALB on the part of Plaintiff for the entirety of the timeframe from Plaintiff being made aware of the LALB's action through his decision to file the current petition for its blatant violation of Louisiana's Open Meetings Laws in convening an illegal Executive Session to discuss his character. Plaintiff and Ms. Wilks reflected upon the January 26, 2009 LALB meeting during which both his and her characters were extensively discussed in an illegal Executive Session, the Attorney General's guidance thereafter (including that every member of the Board be provided with a copy of Title 42, which Ms. Wilks provided to each Board Member for the March, 2009 LALB meeting) and the fact that, if any of it had ever registered with LALB members, it had apparently all been flushed from their memories. Ms. Wilks and Plaintiff further discussed the content of the video coverage of the matter of LALB v. Robert Burns where it concerned the payroll fraud discussion entailing current LALB Executive Assistant Sandy Edmonds. The specifics of all that led up to that hearing entailing the payroll fraud discussion is **very, very** extensively covered in a 51-page memo which Plaintiff filed into the record in 19th JDC as part of the Robert Burns v. Sandy Edmonds lawsuit, and video coverage of that hearing clearly depicts **all** LALB Members being provided with a copy of that 51-page memo. The memo, when combined with the extensive exhibits which accompanied the memo (26 exhibits totaling 83 pages), including a seven (7) page executed sworn affidavit by Ms. Wilks, provide the essential totality of everything discussed between Plaintiff and Ms. Wilks pertaining to payroll fraud documentation entailing LALB Executive Assistant Sandy Edmonds. For the convenience of any Defendant who may not have a copy of the eighty-three (83) pages of exhibits, including Ms. Wilks' sworn affidavit, the following link provides a PDF file of same at which that documentation can readily be downloaded and, if desired, printed in hard copy format:

[www.auctioneer-la.org/Exhibits\\_oppose\\_strike.pdf](http://www.auctioneer-la.org/Exhibits_oppose_strike.pdf). The only other significant matter concerning the LALB discussed between Plaintiff and Ms. Sherrie Wilks entails the infamous “I’s here,” and “I’s here, too” roll call responses of Board Members James Sims and Greg Bordelon at the November 5, 2012 LALB meeting. Ms. Wilks attended the January 8, 2013 LALB meeting and sought to discuss her thoughts about not only that incident but also her anger at Board Attorney Anna Dow regarding comments she made at the November 5, 2012 LALB meeting as well. Ms. Wilks was immediately shut down by LALB attorney Larry S. Bankston who told her it was “not appropriate” for her to speak on the roll-call responses of November 5, 2012. Ms. Wilks instead chose to air her comments publicly on video, and a link is provided as part of Request for Production Number 7 wherein that video may be viewed or, if so desired, even downloaded by any Defendant. Court documentation of correspondence between Ms. Wilks and Plaintiff is exhaustive concerning the content of their discussions, meetings, etc. Furthermore, Ms. Wilks has not yet joined the 21<sup>st</sup> century and purchased a mobile phone with email capability (as hard as that may seem to believe)! Accordingly, emails between Plaintiff and Ms. Wilks have been sparse and, even in those instances emails were sent or received, they were soon deemed inconsequential or trivial in nature and accordingly deleted. Therefore, Plaintiff is in possession of no substantive email correspondences between he and Ms. Wilks which is not already reflected in the 51-page memorandum previously referenced.

**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:**

The only video referenced in the Petition is the video of the hearing itself. Please refer to Response to Request for Production Number Eight below. Merely look for the video entitled **LALBf Burns1**. The duration of the video is 2:04:30. For a personal copy of the video, follow the instructions provided in Response to Production Number Eight.

**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:**

As of the date of this response, there are approximately 176 such videos (some are audio files but uploaded to You Tube with the LAPA logo serving as fixed video still image). Any or all of these files are readily available by visiting the following You Tube link:

[www.youtube.com/user/ed1713/videos](http://www.youtube.com/user/ed1713/videos)

All videos with thumbnails then appear, and all that has to be done is to click on the thumbnail and the video (audio) can then be viewed. To download a personal copy of the video (or audio), merely go into your navigation bar on your browser, and insert the two characters "ss" right before "youtube," (i.e. change it from "youtube" to "ssyoutube"), and you'll be redirected to savefrom's website wherein you can start an instant download. The default options are to download in format MP4 with 360p. You may wish to change that default to 720p for better video quality (however, that will increase the size of the file download).

**REQUEST FOR PRODUCTION NUMBER NINE:**

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

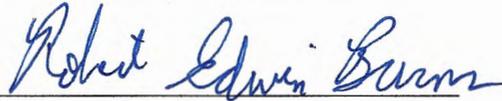
**RESPONSE TO REQUEST FOR PRODUCTION NUMBER NINE:**

Plaintiff objects to Request for Production Number Nine 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." Plaintiff further objects based on the good-faith extensive efforts already outlined in the totality of this document, when combined with Plaintiff's initial response, that any possible relevant material (much of which Plaintiff asserts is irrelevant as it pertains to an Open Meetings Violation) has already been submitted. To suggest that material entailing matters as far-flung as conditions for absolute auctions, whether real estate licenses should be required for conducting real estate auctions, etc., would be of no value whatsoever to Defendants, and Defense Counsel is well aware of that fact and that the request is nothing more than an attempt, in direct defiance of LA CCP 1420(B)(2), to "interpose for an improper

purpose, such as to harass or to cause unnecessary or needless increase in the cost of litigation.”

Respectfully Submitted,

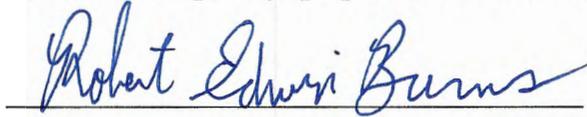
Robert Edwin Burns, in proper person  
4155 Essen Lane, Apt 228  
Baton Rouge, LA 70809-2152  
(225) 201-0390 (office) (225) 235-4346  
E-mail: [rburnsbtr@hotmail.com](mailto:rburnsbtr@hotmail.com)



Robert Edwin Burns

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 June, 2013.



Robert Edwin Burns