

ROBERT BURNS

NUMBER 605,769 SECTION 25

VERSUS

19TH JUDICIAL DISTRICT COURT

ARTHRITIS ASSOCIATION
OF LOUISIANA
KAREN KENNEDY,
CAROLINE MESSENGER

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

MOTION FOR SUMMARY JUDGMENT

The Arthritis Association of Louisiana, Karen Kennedy, and Caroline Messenger move for summary judgment on all the plaintiff's claims, as follows:

I.

The original pleadings and amended pleadings filed by Robert Burns claim that he was defamed by the defendants when they told a local relator, Beau Box, that Mr. Burns was filming fake or false board meetings and that Robert Burns had mental issues and deficiencies. Burns alleged such statements were false, scandalous, and defamatory and resulted in Box terminating his business relationship with Burns. Burns further alleged that the actions of the defendant were a "torturous interference" with a business relationship which when terminated by Box, caused Burns damages.

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II.

Defendants will show that there is no material issue of fact and that they are entitled judgment as a matter of law. The affidavits from the defendants and from Beau Box, attached as exhibit "A", "B", and "C" confirm the following:

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A. that the defendants made no statements to Beau Box concerning petitioner of whatever nature and kind much less any statements that were false, scurrilous, or defamatory relating in any way to petitioner or petitioner's activities or mental emotional state;

B. that no action of the defendants resulted in any "torturous interference" by and between the petitioner and Beau Box;

C. that the business relationship with the petitioner was terminated by Beau Box in such a manner that was totally unrelated to the defendants;

D. that the plaintiff suffered no loss or damage in any way related to the actions of the defendants;

III.

The defendants move for summary judgment on all claims and additionally move that the court reject the claims of plaintiff.

WHEREFORE, the Arthritis Association of Louisiana, Karen Kennedy, and Caroline Messenger pray that this Court order Robert Burns to appear and show cause why the Court should not enter judgment dismissing all of Burns' Claims.

Respectfully Submitted:


BRANTLEY & ASSOCIATES, A P.L.C

Joseph P. Brantley, IV
La. Bar # 03041
6513 Perkins Road
Baton Rouge, LA 70808
Telephone: (225) 769-9555
Fax: (225) 769-0023

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AFFIDAVIT

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, personally came and appeared Mr. Beau Box, who after being duly sworn, did depose and state, based on his personal knowledge, the following:

I.

Affiant is a resident of East Baton Rouge Parish.

II.

Affiant is a real estate broker and has been licensed as such in the State of Louisiana for approximately fifteen years.

III.

Affiant is the owner of Beau Box Commercial Real Estate, L.L.C. (hereinafter "BBCRE"). BBCRE has an office located at 8710 Jefferson Highway in Baton Rouge, Louisiana. BBCRE also has offices located in Lafayette and New Orleans, Louisiana.

IV.

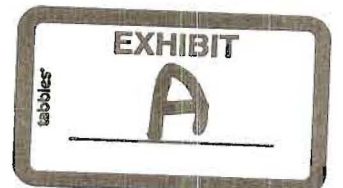
Affiant has received and reviewed a copy of Mr. Robert Burns' Petition for Damages for Malicious Prosecution and his amendment to pleadings styled "Petition for Damages for Defamation of Character and Tortious interference with Business Relationship" suit number 605,769 Docket 25 of the 19th Judicial District Court, wherein the Arthritis Association of Louisiana, Karen Kennedy and Caroline Messenger are named as defendants.

V.

Affiant has specifically reviewed Paragraph 40 of Mr. Burns' Petition, wherein Mr. Burns alleges he had a "joint venture to promote commercial real estate auctions" with BBCRE.

VI.

Affiant avers that he had only one face-to-face meeting with Mr. Burns regarding the alleged joint venture, and no formal written agreement was ever reached between the parties as to any joint venture. Moreover, no business has ever been referred to Mr. Burns by BBCRE and Mr. Burns has at no time been requested to auction any property listed with BBCRE.



VII.

Affiant did, for a short time, place Mr. Burns' logo on the Internet website of BBCRE, but has since removed from BBCRE's website Mr. Burns' logo related to Mr. Burns' auction business, namely, Auction Sells Fast, LLC/BWW Realty.

VIII.

Affiant states that contrary to the representation made in paragraph 40 of Mr. Burns petition, he never spoke with Karen Kennedy, Caroline Messenger or any other representative of the Arthritis Association of Louisiana nor does he even know Karen Kennedy or Caroline Messenger.

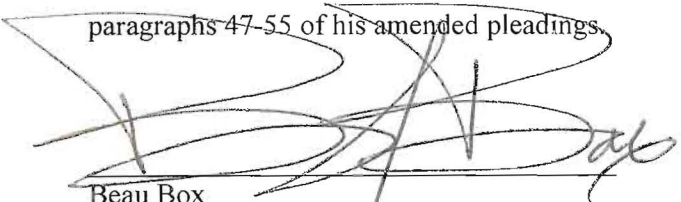
IX.

Affiant states that, in regard to plaintiff's "Exhibit P-10", the decision by affiant to terminate any potential business relationship with petitioner, Robert Burns, had nothing to do with the Arthritis Association of Louisiana or any actions on the part of it's President and CEO, Karen Kennedy, or Caroline Messenger. No representative of the Arthritis Association of Louisiana, nor Karen Kennedy, nor Caroline Messenger ever represented or made any "False, scurrilous, or defamatory assertions related to Mr. Burns", as alleged by Mr. Burns in Paragraphs 47 of his Petition for Damages.

X.

Affiant further states that no representative of the Arthritis Association of Louisiana, Karen Kennedy, or Caroline Messenger ever stated or represented to him that Robert Burns had mental issues and/or deficiencies, was filming fake or fake Board meetings, nor said or represented anything to affiant to damage, disparage, or discredit Mr. Burns or his personal or professional business reputation, nor did anything to interfere with any relationship affiant had with Burns, contrary to what Burns represented in

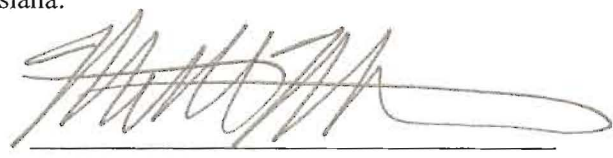
paragraphs 47-55 of his amended pleadings.



Beau Box

Sworn to and subscribed before me, notary public, this 5th day of December,

2011, in Baton Rouge, Louisiana.



Notary Public
Bar Roll #
My Commission Expires at Death
Matthew L. Mullins
Notary Public
Bar Roll # 29998
My Commission Expires at Death

ROBERT BURNS

NUMBER 605,769 SECTION 25

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CAROLINE MESSENGER

PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, personally came and appeared:

KAREN L. KENNEDY

who, after being duly sworn, did depose and state based on her personal knowledge the following:

I.

Affiant is of the age of majority and is a resident of East Baton Rouge Parish.

II.

At all relevant times pertinent to this litigation, Affiant was employed by the Arthritis Association of Louisiana (“Arthritis Association”), in the capacity of president and chief executive officer. She has been employed by the Arthritis Association for approximately eight (8) years.

III.

The Arthritis Association provides support and education for arthritis sufferers and their families. Its offices were located in suites 301, 302, and 334 located at 5222 Summa Court, Baton Rouge, LA at the time of the incident. The office building occupied by the Arthritis Association is the same office wherein the Louisiana Auctioneers Licensing Board (“LALB”) held its meetings.

IV.

On or about April 6, 2011, at approximately 4:00 o'clock p.m., claimant, Robert Burns, appeared at the Summa Court Office Building and obtained permission from Ms. Kennedy to enter the building to do “filming”. There were no other people on the premises at that time other than Ms. Kennedy and Ms. Caroline Messenger, the office manager for the Arthritis Association. Ms. Kennedy allowed Mr. Burns to enter the building as she was under the impression Mr. Burns was on the premises in an official capacity for the building owner and/or Mr. Beau Box, the owner’s real estate agent. Mr. Burns immediately walked to the vacant section of the office building, opposite



from the offices occupied by the Arthritis Association.

V.

Affiant recalls that she and Caroline Messenger left the premises at or about 4:30 p.m. Mr. Burns remained alone on the premises. There were no board meetings taking place at the time he entered the premises or thereafter. It is unknown how late Mr. Burns remained on the premises after affiant left the building.

VI.

The subject office building contains approximately 135 offices and is approximately 26,157 sq. feet inside. The only other leased offices in the building on April 8, 2011 were occupied by the Jewish Federation, Valet Grocers, the Electrolysis Board and the office for the Louisiana Auctioneers Licensing Board (“LALB”) and the Interior Design Board. The LALB and the Interior Design Board used the same conference room of the Summa Court office building for Board meetings at the time of the subject incidents.

VII.

Affiant recalls that Mr. Burns returned to the office building on Friday, April 8, 2011 between 2:30 and 3:00 p.m. Mr. Burns advised affiant that he was in the neighborhood and needed to do more filming in the building. Within seconds of hanging up with Mr. Burns, Ms. Kennedy heard the front buzzer of the building announcing Mr. Burns’ arrival.

VIII.

Affiant walked to the locked front door of the building and spoke with Mr. Burns, who advised he had more filming to do. As on April 6, 2011, Mr. Burns did not explain the nature or purpose behind the filming. Mr. Burns also chose not to disclose on whose authority he was entering the building. Again, Mr. Burns was admitted into the building because affiant knew Mr. Burns when he was a board member and serving on the LALB. Also, she believed Mr. Burns was acting in an official business capacity on behalf of the building owner and/or his real estate agent. The Summa Court office building has been for sale and the remaining tenants have been asked to relocate. Affiant informed Ms. Messenger of Mr. Burns’ presence in the building.

IX.

At approximately 4:00 p.m. on the same date, Caroline Messenger informed affiant that Mr. Burns had entered and occupied Suite 108 of the building, the Board Conference Room. The door was closed and the blinds located on the windows inside of the boardroom were pulled up by Mr.

Burns. Sheets of paper were taped all over the windows, blocking the view into the boardroom. Ms. Messenger was not allowed in the room, although she attempted to enter the conference room to determine the nature of Mr. Burns' activity and to determine the nature of the documents spread all over the room. Mr. Burns merely stuck his head out of the conference room and requested that he be left in the building alone to complete his "work".

X.

Affiant walked to the boardroom to perform her own investigation. Upon announcing herself to Mr. Burns, he quickly exited the room, closed the conference room door, and did not allow affiant to enter the room. Affiant then advised Mr. Burns that she was leaving the building and that he had to immediately leave the premises, as he was not a tenant. Affiant also informed Mr Burns that she had no authority to allow Mr. Burns to remain alone in the building. Affiant observed Mr. Burns' conduct and became worried for her safety because of Mr. Burns' extremely suspicious and secretive conduct, and his refusal to allow Affiant, into the conference room. Mr. Burns reentered the room and gathered his papers. Affiant attempted to enter the conference room however, Mr. Burns prevented her from entering, until such time as he had collected all of his materials and exited the room.

XI.

Affiant contacted Ms. Edmonds later that evening to advise her that she believed Mr. Burns was faking a board meeting and that Mr. Burns was perceived to be acting in a very suspicious and secretive nature.

XII.

Shortly thereafter, Mr. Burns sent a threatening email to Affiant. (This email is dated July 20, 2011 and is attached hereto as *Exhibit "A"*). Mr. Burns implies in the attached email that Ms. Edmonds coerced Affiant to provide a statement to the East Baton Rouge Sheriff's Office. Affiant contends that this is not an accurate statement of fact. Affiant offered her statement to the investigating police officers voluntarily and without any coercion or pressure from Ms. Edmonds, or any other person.

XIII.

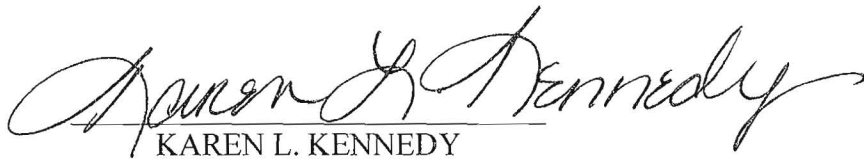
Affiant spoke with Corporal S. Hayward on or about April 11, 2011. Affiant advised Officer Hayward that Mr. Burns was entering the premises on a regular basis, without any apparent authority from the building owner or any other tenants, to "fake board meetings"; that Mr. Burns was using

video equipment for some unknown purpose, and that his behavior alarmed the remaining office building tenants. Mr. Burns is not a tenant of the building nor was he employed by any tenants at the time of the subject incidents.

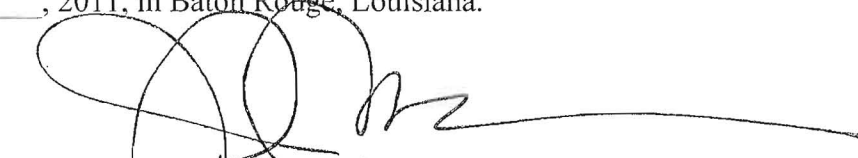
XIV.

Contrary to his representation in his original and amended petition, specifically paragraph 40 of petitioner's original petition and paragraphs 47-55 of petitioner's amended pleading, affiant has had no contact with Mr. Beau Box, by telephone or otherwise and has specifically not:

- A. Told Beau Box that Robert Burns has mental issues and deficiencies;
- B. That Mr. Burns was filming fake board meetings;
- C. Made any false, scandalous, damaging or defamatory statement about Mr. Burns;
- D. Done or said anything to damage disparage or harm Mr. Burns personal, professional or business reputation;
- E. Damaged Mr. Burns in any way, directly or indirectly.


KAREN L. KENNEDY

Sworn to and subscribed before me, notary public, this 12th day of Dec., 2011, in Baton Rouge, Louisiana.



NOTARY PUBLIC
Joseph P. Brantley, IV
Notary Public
Bar Roll # 03401
My Commission Expires at Death

ROBERT BURNS

NUMBER 605,769 SECTION 25

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**ARTHRITIS ASSOCIATION
OF LOUISIANA**

PARISH OF EAST BATON ROUGE

**KAREN KENNEDY,
CAROLINE MESSENGER**

STATE OF LOUISIANA

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, personally came and appeared:

CAROLINE MESSENGER

who, after being duly sworn, did depose and state based on her personal knowledge the following:

I.

Affiant is of the age of majority and is a resident of East Baton Rouge Parish.

II.

At all relevant times pertinent to this litigation, Affiant was employed by the Arthritis Association of Louisiana (“Arthritis Association”), in the capacity of Office Manager. She has been employed by the Arthritis Association for four years and nine months.

III.

The Arthritis Association provides support and education for arthritis sufferers and their families. It’s offices were located in suites 301, 302, and 334 located at 5222 Summa Court, Baton Rouge, LA at the time of the incident. The office building occupied by the Arthritis Association is the same office wherein the Louisiana Auctioneers Licensing Board (“LALB”) held its meetings.

IV.

On or about April 6, 2011, at approximately 4:00 o’clock p.m., claimant, Robert Burns, appeared at the Summa Court Office Building and obtained permission from my supervisor Ms. Karen Kennedy to enter the building to do “filming”. To the best of my knowledge there were no other people on the premises at that time other than Ms. Kennedy, the president and chief executive officer for the Arthritis Association and me. Ms. Kennedy allowed Mr. Burns to enter the building. Mr. Burns immediately walked to the vacant section of the office building, opposite from the offices occupied by the Arthritis Association.



V.

Affiant recalls that she and Karen Kennedy left the premises at or about 4:30 p.m. Mr. Burns remained alone on the premises. There were no board meetings taking place at the time he entered the premises or thereafter. It is unknown how late Mr. Burns remained on the premises after affiant left the building.

VI.

The subject office building contains approximately 135 offices and is approximately 26,157 sq. feet inside. The only other leased offices in the building on April 8, 2011 were occupied by the Jewish Federation, Valet Grocers, the Electrolysis Board, the Louisiana Auctioneers Licensing Board (“LALB”) and the Interior Design Board. The LALB and the Interior Design Board use the same conference room of the Summa Court office building for Board meetings at the time of the subject incidents.

VII.

Affiant recalls that Mr. Burns returned to the office building on Friday, April 8, 2011 between 2:30 and 3:00 p.m.

VIII.

Ms. Kennedy walked to the locked front door of the building and spoke with Mr. Burns. Again, Mr. Burns was admitted into the building. Affiant knew Mr. Burns when he was a board member and serving on the LALB.

IX.

At approximately 4:00 p.m. on the same date, I informed Ms. Kennedy that Mr. Burns had entered and occupied Suite 108 of the building, the Board Conference Room. The door was closed and the blinds located on the windows inside of the boardroom were pulled up by Mr. Burns. Sheets of paper were taped all over the windows, blocking the view into the boardroom. I was not allowed in the room, although I attempted to enter the room to determine the nature of Mr. Burns’ activity and to determine the nature of the documents spread all over the room. Mr. Burns merely stuck his head out of the conference room and requested that he be left in the building alone to complete his “work”.

X.

Affiant advised Ms. Kennedy of the situation and Ms. Kennedy walked to the boardroom to perform her own investigation. Upon announcing herself to Mr. Burns, he quickly exited the room,

closed the conference room door, and did not allow her to enter the room. Ms. Kennedy then advised Mr. Burns that she and affiant was leaving the building and that he had to immediately leave the premises as he was not a tenant. Ms. Kennedy also informed Mr Burns that she had no authority to allow Mr. Burns to remain alone in the building. Affiant observed Mr. Burns' conduct and became worried for her safety because of Mr. Burns' extremely suspicious and secretive conduct, and his refusal to allow Ms. Kennedy, into the conference room. Mr. Burns reentered the room and gathered his papers. Affiant observed Ms. Kennedy attempting to enter the conference room, however, Mr. Burns prevented her from entering, until such time as he had collected all of his materials and exited the room.

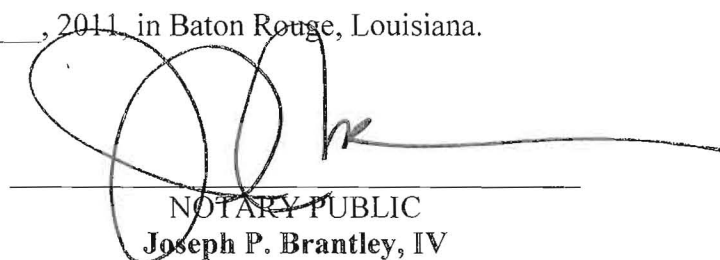
XI.

Contrary to his representation in his original and amended petition, specifically paragraph 40 of petitioner's original petition and paragraphs 47-55 of petitioners amended pleading, affiant has had no contact with Mr. Beau Box, by telephone or otherwise and has specifically not:

- A. Told Beau Box that Robert Burns has mental issues and deficiencies;
- B. That Mr. Burns was filming fake board meetings;
- C. Made any false, scandalous, damaging or defamatory statement about Mr. Burns;
- D. Done or said anything to damage disparage or harm Mr. Burns personal, professional or business reputation;
- E. Damaged Mr. Burns in any way, directly or indirectly.


CAROLINE MESSENGER

Sworn to and subscribed before me, notary public, this 12th day of DEC., 2011, in Baton Rouge, Louisiana.



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CAROLINE MESSENGER**

**PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA**

STATEMENT OF UNCONTESTED MATERIAL FACTS

I.

Contrary to the representations or beliefs of petitioner, defendants had no contact with Beau Box nor did defendants do any of the following:

- A) Tell Mr. Box that Robert Burns has mental issues or deficiencies;
- B) Tell Mr. Box that Mr. Burns was filming fake board meetings;
- C) Make any false scandalous, damaging or defamatory remarks about Mr. Burns.
- D) Did anything to damage or disparage Mr. Burns' personal, professional or business reputation.
- E) Damage Mr. Burns in any way directly or indirectly.

II.

Beau Box is a licensed real estate broker in the State of Louisiana and operates Beau Box Commercial Real Estate, L.L.C.

III.

Beau Box has reviewed a copy of Robert Burns' petition for damages for malicious prosecution and his amended pleadings styled petition for damages for defamation of character and torturous interference with business relationship filed in the instant matter.

IV.

Contrary to the representations made in Robert Burns' petition or amended pleadings, Beau Box never spoke with Karen Kennedy, Caroline Messenger or any other representative of the Arthritis Association nor does he even know Karen Kennedy or Caroline Messenger.

V.

Beau Box decision to terminate any potential business relationship with Robert Burns had

nothing to do with the Arthritis Association of Louisiana, Karen Kennedy, or Caroline Messenger.

VI.

No representative of the Arthritis Association of Louisiana, Karen Kennedy, or Caroline Messenger ever represented or made any false scurrilous or defamatory associations related to Mr. Burns.

VII.

No representative of the Arthritis Association of Louisiana, Karen Kennedy, or Caroline Messenger ever stated or represented to Beau Box that Robert Burns had mental issues or deficiencies, was filming fake or false board meetings nor said or represented anything to Beau Box to damage, disparage or discredit Mr. Burns or his professional or personal business relationship nor did anything to interfere with any relationship Beau Box had with Mr. Burns, contrary to what Mr. Burns represented in paragraphs 47-55 of his amended pleadings.

VIII.

Burns sustained no damages as a result of the conduct of the defendants.

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CAROLINE MESSENGER**

**PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA**

MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

May it please the court:

Defendants, the Arthritis Association of Louisiana, Karen Kennedy, and Caroline Messenger move this honorable court for summary judgment in the above matter in regard to any and all claims filed by the plaintiff, Robert Burns.

STATEMENT OF THE CASE:

Robert Burns has sued the defendants claiming that their statements and comments to Beau Box, a local realtor, caused Mr. Box to terminate a business relationship or potential business relationship. Burns alleges the termination of that relationship or potential business relationship was the direct result of defendants actions, and that he has sustained damage. More particularly, petitioner claims in paragraph 40 of his original petition and in paragraphs 47 – 55 of his amended pleadings that the defendants represented to Mr. Box that Mr. Burns was conducting certain activities that were to the effect of faking of Auctioneer Licensing Board meetings and that he had mental issues and deficiencies. Burns alleges that such statements were false, scurrilous, and defamatory and resulted in Mr. Box terminating his relationship with Mr. Burns. The actions of the defendants were characterized as a tortuous interference with a business relationship that Burns was attempting to establish with Box, thereby causing Burns certain damages which were undefined but which included some expense that he had previously incurred.

The defendants have submitted three (3) affidavits, one of each individual defendant and one of Beau Box. The affidavits make it abundantly clear that not only did Mr. Box not know

any of the individual defendants but also that he had no contact with any of them nor did they make any representation or do anything that caused Mr. Box to terminate his relationship with the plaintiff. Any loss sustained by plaintiff was totally unrelated to the defendants.

LAW AND ARGUMENT

“The plaintiff or defendant in the principal or any incidental action . . . may move for a summary judgment in his favor for all or part of the relief for which he has prayed.” La. Code Civ. P. art. 966 (A)(1). “The defendant’s motion may be made at any time.” *Id.* The summary judgment procedure is designed to secure the just, speedy, and inexpensive determination of actions, and this summary judgment procedure is favored. La. Code Civ. P. art. 966(A)(2).

Article 966 supplies the perfect procedural device to resolve these questions as this article describes a procedure that is, “designed to secure the just, speedy, and in expensive determination of every action.”¹ Under article 966 of the Louisiana Code of Civil Procedure, a plaintiff or defendant may move for summary judgment in his favor for all or part of the relief for which he is entitled.² “Summary judgment is appropriate if the pleadings, depositions, answers to interrogatories and admissions on file, together with affidavits, if any, show there is no genuine issue of material fact and the mover is entitled to judgment as a matter of law.”³ “A fact is ‘material’ if its existence or nonexistence may be essential to the plaintiff’s cause of action under the applicable theory of recovery.”⁴ An allegation or assertion by the non moving party that an issue of material fact exists is insufficient to defeat a motion for summary judgment if the supporting or opposing documents, taken as a whole, demonstrate that the asserted factual issue is insubstantial.⁵

On a motion for summary judgment, the initial burden of proof remains with the movant.⁶ If, however, the moving party will not bear the burden of proof at trial on the matter before the court on the motion, the moving party must point out to the court that there is an absence of factual support for one or more elements essential to the adverse party’s claim, action

¹ La. C.C.P. Art. 966 (A)(2). (West 2010).

² Longo v. E.I. Dupont De Nemours & Co., 632 So.2d 1193, 1195 (La. App. 4 Cir. 1194) (emphasis ours).

³ Thomas v. North 40 Land Development, Inc., 894 So.2d 1160, 1173 (La. App. 4 Cir. 2005)

⁴ *Id.*

⁵ Slocum-Stevens Ins. Agency Inc. v. Int’l Risk Consultants, Inc. 666 So.2d 352, 356 (La. App. 2 Cir. 1995)

⁶ La. Code. Civ. Proc. Ann. Art. 966 (C)(2) (West 2010).

or defense.⁷ Thereafter, if the adverse party then fails to produce factual support sufficient to establish that he will be able to satisfy his evidentiary burden of proof at trial, there is no genuine issue of material fact and summary judgment must be granted.⁸

SUBSTANTIVE LAW

There are five elements that must be proven in an action for defamation:

- 1) Defamatory words,
- 2) Publication or communication to a third party,
- 3) Falsity,
- 4) Malice (actual or implied), and
- 5) Resulting injury.

See *Cangelosi v. Schwegmann Brothers Giant Super Markets*, 390 So.2d 196 (La.1980).

If any element is missing, an action for defamation cannot be found. See Also: *Lee v. Pennington*, App. 4 Cir.2002, 830 So.2d 1037, 2002-0381 (La.App. 4 Cir. 10/16/02), writ denied 836 So.2d 52, 2002-2790 (La. 1/24/03)

It is well settled in Louisiana law that a cause of action for defamation arises out of a violation of La. Civ.Code art. 2315. *Ruffin v. Wal-Mart*, 2001-0613, p. 2 (La.App. 1 Cir.5/10/02), 818 So.2d 965, 967, writ denied, 2002-1636 (La.9/30/02), 825 So.2d 1200. The following elements are essential to prevail on a claim of defamation: (1) defamatory words; (2) publication; (3) falsity; (4) malice, actual or implied; and (5) resulting injury. *Cangelosi v. Schwegmann Bros. Giant Super Markets*, 390 So.2d 196, 198 (La.1980).*Lamz v. Wells*, 2005-1497 La. App. 1 Cir. 6/9/06, 938 So. 2d 792, 797 (La. Ct. App. 2006)

FACTS AS APPLIED TO SUBSTANTIVE LAW

It is clear that under the facts in this case there is no basis for this lawsuit, no facts to support defamation or tortious interference with a business relationship, no damages related thereto, and that the defendants are entitled to judgment as a matter of law.

⁷ Id.

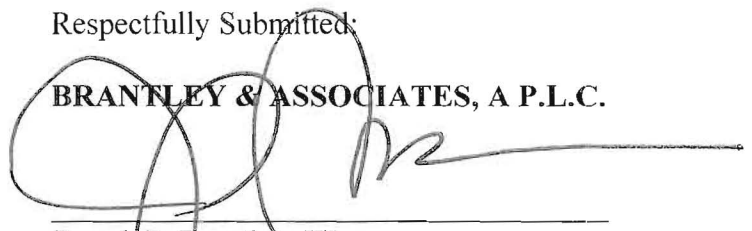
⁸ *Gaspard v. Graves*, 934 So.2d 158, 160 (La.App. 1 Cir. 2006)

CONCLUSION

It is respectfully submitted that based upon the law, the fact as set forth in the supporting affidavits, plaintiff has no underlying basis for a colorable claim against any defendant and that this matter is ripe for summary judgment. As such, defendants pray this honorable court set a date and a time for hearing and after all delays and due proceedings, the court grant summary judgment dismissing plaintiff's claims at his cost and rendering a final judgment that is only appealable by plaintiff.

Respectfully Submitted:

BRANTLEY & ASSOCIATES, A P.L.C.

A handwritten signature in black ink, appearing to read 'JPB', is written over the printed name and firm name. The signature is fluid and cursive.

Joseph P. Brantley, IV
La. Bar # 03041
6513 Perkins Road
Baton Rouge, LA 70808
Telephone: (225) 769-9555
Fax: (225) 769-0023

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ORDER

Considering the foregoing motion for summary judgment, supporting affidavits, statement of uncontested material facts, and memorandum in support of motion. It is hereby ordered that Robert Burns show cause on the ____ day of _____, 201__ why summary judgment should not granted in favor of defendants, the Arthritis Association of Louisiana, Karen Kennedy, and Caroline Messenger dismissing any and all claims of plaintiff at plaintiff's cost.

Signed in Baton Rouge, Louisiana, this _____ day of _____, 201_.

The HONORABLE WILSON FIELDS
JUDGE of the 19th JUDICIAL
DISTRICT COURT Section 25

PLEASE SERVE:

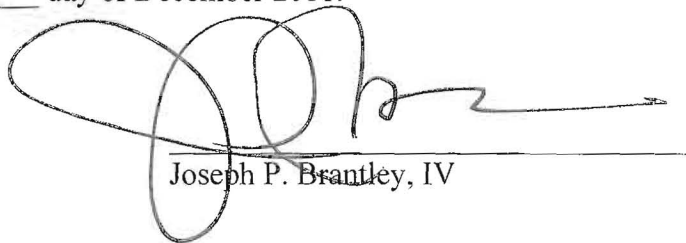
Robert Edwin Burns, in proper person
President, Auction Sells Fast, LLC
4155 Essen Lane, Ste 228
Baton Rouge, LA 70809-2152
(225) 201-0390 (office) (225) 235-4346
Email: Robert@ActionSellsFast.com

CERTIFICATE

I HEREBY CERTIFY that a copy of the Motion for Summary Judgment, Affidavits, Statement of Uncontested Facts, Memorandum in Support of Motion, Order and foregoing has been mailed, postage prepaid, to all counsel or parties of record.

Robert Edwin Burns, in proper person
President, Auction Sells Fast, LLC
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Baton Rouge, Louisiana, this 19th day of December 2011.



Joseph P. Brantley, IV