

ROBERT BURNS

NUMBER 602.922 DOCKET: 24

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

SANDY EDMONDS

STATE OF LOUISIANA

JUDGMENT

Considering the Memorandum submitted by Plaintiff in Support of Denying Defendant's Special to Strike for which oral arguments were held on November 14, 2011, and on motion of Plaintiff, Robert Burns, in proper person, it is ordered by this Honorable Court that Defendant's Special Motion to Strike is **DENIED**, and Defendant is assessed the \$402 of court costs Plaintiff incurred to defeat Defendant's Special Motion to Strike.

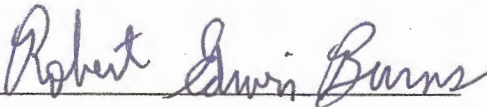
Baton Rouge, Louisiana.

Granted and signed this _____ day of _____, 201__.

JUDGE, 19th JUDICIAL DISTRICT COURT

Respectfully Submitted,

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
E-mail: Robert@AuctionSellsFast.com



CERTIFIED TRUE COPY

166550

DEPUTY CLERK OF COURT

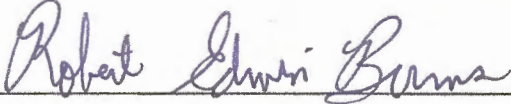
2011 DEC 27 AM 10:22
FILED
PARISH OF EAST BATON ROUGE

2011 DEC 27 AM 10:22

BY
DEPUTY CLERK & RECORDER FOR
DOUG WELBORN
CLERK OF COURTE R R PARISH

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 27th day of December 2011.



ROBERT BURNS

NUMBER 602.922 DOCKET: 24

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

SANDY EDMONDS

STATE OF LOUISIANA

**MEMORANDUM IN SUPPORT OF MOTION AND ORDER FOR DENYING
DEFENDANT'S SPECIAL MOTION TO STRIKE**

This Petition was filed on June 27, 2011. A personal citation was served on the 7th day of July, 2011 upon Defendant Sandy Edmonds. Defendant filed a Special Motion to Strike and Exception for No Cause of Action on which oral arguments were heard by this Honorable Court on November 14, 2011. Upon the conclusion of oral arguments pertaining to the Special Motion to Strike, this Honorable Court denied Defendant's Special Motion to Strike; however, upon request of Defendant, this Honorable Court granted Defendant's request for the Special Motion to Strike to be pretermitted as a result of this Honorable Court granting Plaintiff 30 days in which to amend his pleadings to state a cause of action.

On November 28, 2011, Plaintiff filed a Memorandum regarding the Proposed Judgment pertaining to the hearing of November 14, 2011 in which Plaintiff requested a reasonable cap on the court costs to be assessed against him as pertaining exclusively to the Exception of No Cause of Action rather than the combined court costs of Exception of No Cause of Action and Special Motion to Strike.

Accordingly, on November 30, 2011, this Honorable Court signed a Judgment pertaining to the hearing of November 14, 2011 which granted Defendant's Exception of No Cause of Action, granted Plaintiff 30 days from the hearing date to file an amended petition to state a cause of action, denied Defendant's Motion to Stay Discovery, pretermitted its ruling on Defendant's Special Motion to Strike, and assessed \$394.84 in court costs against Plaintiff pertaining to the Exception of No Cause of Action.

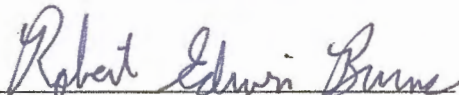
In accordance with this Honorable Court's order, Plaintiff filed an amended petition on December 9, 2011. Defendant reasserted its Exception of No Cause of Action on December 22, 2011. That matter is pending the assigning of a court date for hearing by this Honorable Court.

Defendant did not, however, reassert her Special Motion to strike. Plaintiff therefore moves that this Honorable Court deny Defendant's Special Motion to strike and that, as provided for under CCP 971(B), which states, "a prevailing party on a special motion to strike shall be awarded reasonable attorney fees and costs," Plaintiff also moves that this Honorable Court assess Defendant with \$402 in court costs which Plaintiff incurred in the defeat of Defendant's Special Motion to Strike. A copy of the EBRP Clerk of Court Receipt for filing his Memorandum in Opposition to Defendant's Special Motion to strike is attached to this Memorandum. As Plaintiff stated at the hearing of November 14, 2011 upon the conclusion of oral arguments pertaining to the Special Motion to Strike and this Honorable Court's initial denying of Defendant's Special Motion to Strike, he has no attorney fees since he is representing himself. A proposed judgment order for Plaintiff's motion is enclosed with this Memorandum.

Wherefore, plaintiff moves that this Honorable Court issue a Judgment Order denying Defendant's Special Motion to Strike and assessing Defendant with the \$402 in court costs which Plaintiff incurred in the defeat of that Motion.

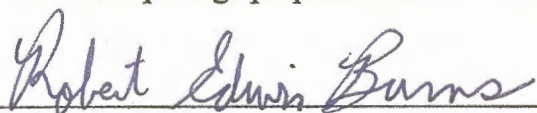
Respectfully Submitted,

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
E-mail: 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 27th day of December 2011.



RECEIPT

DOUG WELBORN

Clerk of Court

19th Judicial District

ADVANCED DEPOSITS ACCOUNT

Baton Rouge, Louisiana

Parish of East Baton Rouge

State of Louisiana

11-02 20 11

Received of Robert Burns

The sum of Four Hundred and Two Dollars \$ 402

Suit Caption Memoandum
Robert Burn vs Sandy Edmonds

Method of Payment:

- Cash
- Check
- Money Order
- Traveler's Check


Payment Received For:

- Filing Fee
- Jury Fee
- Appeal Cost
- Attorney's Bill

Check No. _____

Suit Number 002922

Division 24



Deputy Clerk of Court for
Doug Welborn, Clerk of Court