

FREDDIE PHILLIPS

NUMBER 593366 SECTION: 24

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

VERSUS

PARISH OF EAST BATON ROUGE

LOUISIANA AUCTIONEER'S LICENSING BOARD, and  
JAMES KENNETH COMER, JR., Chairman & Custodian of  
Records, Louisiana Auctioneer's Licensing Board

STATE OF LOUISIANA

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**TEMPORARY RESTRAINING ORDER**

Considering the request for Temporary Restraining Order filed by Plaintiff,  
Freddie Phillips, in proper person, and arguments posed by Plaintiff, the Court finds that  
Plaintiff is entitled to the issuance of a temporary restraining order as follows:

**IT IS ORDERED** that Defendant shall maintain all records in its possession, be  
those records in hard copy form or electronic form, until Plaintiff's petition has been fully  
adjudicated by this Honorable Court. Further, Defendant shall refrain from taking any  
steps, directly or indirectly, to hide, relocate, destroy, or by any other means conceal the  
existence of any records in its possession.

Signed at Baton Rouge, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Time of Issuance: \_\_\_\_\_

\_\_\_\_\_  
DISTRICT JUDGE

Respectfully Submitted,

Freddie Phillips, in proper person  
Member, LA Auctioneer's Licensing Board  
8055 Hanks Drive  
Baton Rouge, LA 70812  
(225) 229-3341 (cell)  
E-mail: [freddiephillips@bellsouth.net](mailto:freddiephillips@bellsouth.net)

*Freddie Phillips*

**PLEASE SERVE:**

**LOUISIANA AUCTIONEERS LICENSING BOARD**  
Through Its Counsel of Record in This Matter:

**ANNA DOW**  
Legal Counsel, LALB  
1434 N Burnside, Ste 14  
Gonzales, LA 70737

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**PLAINTIFF'S EX PARTE MOTION FOR  
TEMPORARY RESTRAINING ORDER**

Plaintiff, in proper person, moves the court to issue a temporary restraining order in this matter. The grounds for the issuance of the order are explained in this motion and the affidavit of Plaintiff, which is attached to this motion and identified as Plaintiff Exhibit 5. Plaintiff represents the following assertions in support of this request:

1.

Plaintiff filed this petition on August 9, 2010 seeking a court-ordered Writ of Mandamus requiring the generation of a report entailing past travel records of members of the Louisiana Auctioneer's Licensing Board (LALB).

2.

Status conference was held in this matter on November 24, 2010. During that status conference, this Honorable Court indicated a deadline of Friday, December 10, 2010 for Defendant to generate a report satisfactory to Plaintiff. In the event Defendant failed to do so, Plaintiff was instructed by this Honorable Court to draft a mere letter seeking an order to set a hearing date for the issuance of a Writ of Mandamus.

3.

On or about December 7, Defendant, through its counsel of record, Anna Dow, sent a letter to this Honorable Court requesting that a hearing date be set. Plaintiff received a copy of the letter on or about December 9, 2010, but waited until Monday, December 13, 2010, after the expiration of the court-imposed deadline, to send the letter requesting a hearing date as instructed by this Honorable Court.

4.

On or about Thursday, January 6, 2011, Plaintiff became aware of an agenda item scheduled to be deliberated at the LALB meeting of Monday, January 10, 2011. That agenda item is identified as item number five (5) as outlined on the official LALB agenda

under “NEW BUSINESS” as “Records Retention Policy / Destruction of Records.” The agenda for the January 10, 2011 LALB meeting is attached to this motion and identified as Plaintiff Exhibit 6.

5.

The agenda item was approved, with Plaintiff being the only member to vote in opposition to the item at the January 10, 2011 LALB meeting.

6.

Plaintiff has strong reason to believe that the destruction of records initiative approved at the LALB meeting of January 10, 2011 was orchestrated as a means to absolve the LALB of the possession of records which may be directly related to this petition or any subsequent petition Plaintiff may ultimately file against Defendant.

7.

No evidence exists to indicate Defendant has ever implemented a policy regarding records destruction in its approximate 30-year existence prior to January 10, 2011.

8.

During the LALB meeting, when Executive Assistant Sandy Edmonds was questioned by Plaintiff regarding the rationale for the records destruction, each incident she referenced entailed travel records requested by either Plaintiff or Plaintiff’s “partner in crime” (her words), “Mr. Burns” with Ms. Edmonds expressing frustration that the requested records went back as far as “1998” though Plaintiff corrected her that his request went back to January 1, 2000.

9.

Plaintiff seeks of this Honorable Court a temporary restraining order which directs Defendant to maintain all records in its possession, be those records in hard copy form or electronic form, until Plaintiff’s petition has been fully adjudicated by this Honorable Court. The requested order would further direct Defendant to refrain from taking any steps, directly or indirectly, to hide, relocate, destroy, or by any other means conceal the existence of any records in its possession.

10.

Plaintiff has submitted a proposed order with this motion.

**THEREFORE**, for the reasons set forth in this motion, Plaintiff, Freddie Phillips, in proper person, requests that the Court issue a Temporary Restraining Order as requested, in the form set out in the proposed order submitted with this motion.

Respectfully Submitted,

Freddie Phillips, in proper person  
Member, LA Auctioneer's Licensing Board  
8055 Hanks Drive  
Baton Rouge, LA 70812  
(225) 229-3341 (cell)  
E-mail: [freddiephillips@bellsouth.net](mailto:freddiephillips@bellsouth.net)

A handwritten signature in blue ink, reading "Freddie Phillips", written over a horizontal line.

# **AFFIDAVIT OF FREDDIE PHILLIPS**

**STATE OF LOUISIANA**

**PARISH OF East Baton Rouge**

On this 15<sup>th</sup> day of January, 2011, 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:

**Freddie Phillips**, a member of the Louisiana Auctioneer's Licensing Board 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 was present at the Louisiana Auctioneer's Licensing Board (LALB) meeting of Monday, January 10, 2011 and served at that meeting in his official capacity as an LALB member and as Secretary-Treasurer of the LALB. Mr. Phillips further indicated that, during the meeting, an item on the agenda identified as item number five (5) under "NEW BUSINSS" was deliberated. That item was entitled, "Records Retention Policy / Destruction of Records." Mr. Phillips further indicated that the LALB approved a policy for the destruction of records at that January 10, 2011 meeting, with his vote being the only vote in opposition to the measure.

**THUS DONE AND SIGNED** by Freddie Phillips on the date first written above, in the presence of me, Notary.

Witnesses:

Tracy B. Byers  
Printed Name: Tracy B. Byers

Rogerick Watson  
Printed Name: Rogerick Watson

Freddie Phillips Jr.  
**Freddie Phillips**

Catherine Harrison  
**NOTARY PUBLIC**  
**LA Bar Roll #: 9377**  
**My commissions expires at death**

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**Notary liable for  
Notarization ONLY**





## BOARD MEETING AGENDA

Date: **Monday, January 10, 2011** Time: **12:00 pm**  
Place: 5222 Summa Court, Baton Rouge, LA 70809

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES from December 6, 2010
- III. OLD BUSINESS
  1. Approval of Tested Applicants: (pending passage of examination 1/6/2011)
    1. Patrick Broussard
    2. Alex Ackel
    3. Kenneth Bruchhaus
    4. Raymond Barrington
  2. Approval of Apprentice Applicants:
    1. Becky Johnson (under Debra Johnson)
    2. Selena Skyles (under Debra Johnson)
  3. Approval of Auction Business Applicants:
    1. Rosemonte Gallery
  4. Approval of Reinstated Applicants:
    1. John Obed
- IV. NEW BUSINESS
  1. Attorney Report/Investigative Report
  2. Executive Assistant
  3. Approval of Financials
    1. Attorney contract dollar amount amendment
  4. Annual Auction School provider renewals
    1. Florida Auctioneer Academy
    2. Burk Baker
    3. Texas Auction Academy
    4. World Wide College of Auctioneering
    5. Mendenhall
    6. Troy University
    7. Reppert School
    8. North Georgia School
  5. Records Retention Policy/ Destruction of Records
  6. Age Exempt Rule Promulgation
  7. Chairman's comments
- IV. NEXT MEETING DATE – March 21, 2011
- V. ADJOURN

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*Louisiana*  
**Office of the Governor**  
**Auctioneers Licensing Board**

5222 Summa Court, Suite 352  
Baton Rouge, LA 70809  
Telephone 225.763.5568 Fax 225.763.5598  
Website: [www.lalb.org](http://www.lalb.org) Email: [admin@lalb.org](mailto:admin@lalb.org)

Pending Litigation

Freddie Phillips vs. Louisiana Auctioneers Licensing Board

Docket # 593366

Robert Burns vs. Louisiana Auctioneers Licensing Board

Docket # 595035