

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: CECELIA F. ABADIE

DOCKET NO. 17-DB-056

REPORT OF HEARING COMMITTEE # 27

INTRODUCTION

This attorney disciplinary matter arises out of formal charges consisting of one count filed by the Office of Disciplinary Counsel (“ODC”) against Cecelia F. Abadie (“Respondent”), Louisiana Bar Roll Number 19874.¹ ODC alleges that Respondent violated the following Rules of Professional Conduct: 1.1, 3.1, 3.3, 3.5, 8.2, and 8.4(a).²

PROCEDURAL HISTORY

The formal charges were filed on September 20, 2017. Respondent filed an answer to the charges on October 20, 2017. Dane S. Ciolino enrolled as counsel for Respondent on April 20, 2019. The hearing of this matter was held on May 31, 2019. Deputy Disciplinary Counsel Karen Hayes Green appeared on behalf of ODC. Respondent appeared with counsel, Mr. Ciolino.

For the following reasons, the Committee finds that Respondent did violate Rules of Professional Conduct 8.2, 1.1, 8.4(a). The hearing committee recommends a sanction of a one year suspension, with all but six months deferred conditioned on a two-year period of supervised probation. During the period of probation, Respondent should be supervised by a probation

¹ Respondent was admitted to the practice of law in Louisiana on April 27, 1990. Respondent is currently eligible to practice law.

² See the attached Appendix for the text of these Rules.

monitor who will meet with her monthly to monitor her practice and review her client files and any pleadings she signs.

FORMAL CHARGES

The formal charges read, in pertinent part:

The respondent is Cecelia F. Abadie. Ms. Abadie is a Louisiana-licensed attorney, born on July 3, 1947, and admitted to practice on April 27, 1990. Respondent was assigned Louisiana Bar Roll No. 19874 and is currently eligible to practice law in the State of Louisiana. The Respondent has 26 years of domestic legal experience. Respondent is semi-retired and currently practices law occasionally.

A complaint was filed against the Respondent by opposing counsel, Krystal R. Treadway, on September 21, 2015, and assigned ODC Complaint No. 33656, arising from an underlying family law matter.

Mark Jenkins, represented by Respondent, and Latasha Jackson, represented by Complainant, conceived a child out-of-wed-lock in 1997. Subsequent to the child's birth, the couple was married. The couple later divorced and Mark Jenkins was ordered to pay child support. In 2012, Mr. Jenkins suspected that he actually was not the father of the child. DNA evidence subsequently proved that Mr. Jenkins was not the child's father.

During the scope and course of the paternity and child support litigation, there were allegations of incompetency, and attacks made by the Respondent upon the opposing party and the presiding Judge, via pleadings and correspondence. Respondent drafted and filed several pleadings not supported by procedural or substantive law. The pleadings were filed repetitively between the 24th Judicial District Court and the Jefferson Parish Juvenile Court. Respondent also filed pleadings in the Fifth Circuit Court of Appeal and the Louisiana Supreme Court. In the 24th J.D.C., the Respondent filed the following frivolous and incompetent pleadings: *Petition to Revoke Formal Acknowledgment and for Damages*, *Petition for Nullification of the Judgment of the Fifth Circuit Which Reversed a Judgment of this Court*, *Rule to Remove Mark Jenkins' Name from the Birth Certificate*. Also, the Respondent filed for a unilateral name change of the minor child.

During this heated domestic matter, the Respondent wrote a letter directed to District Attorney, Paul Connick and State Representative, Chris Broadwater. In the letter Respondent accuses Judge Robert Murphy, of the Fifth Circuit Court of Appeal, and the Department of Children and Family Services, of "collusion". Timothy O' Rourke of DCFS and Complainant were both carbon copied on the correspondence. In a Sworn Statement taken before the ODC, the Respondent states that she never actually mailed the letter to Mr. Connick or Mr. Broadwater, but did however mail the correspondence to Mr. Rourke and Ms. Treadaway.

The Respondent has violated Rule 1.1 (failed to provide competent representation); Rule 3.1 (brought a proceeding, or asserted or controverted an

issue therein, when there is no basis in law and fact for doing so that is not frivolous); Rule 3.3 (lack of candor toward tribunal); Rule 3.5 (engaged in conduct intended to disrupt a tribunal); Rule 8.2 (attacked the integrity of a judge); and Rule 8.4(a) (violated the Rules of Professional Conduct).

EVIDENCE

The following witnesses testified at the hearing in this matter: KRISTYL TREADAWAY, TIMOTHY O'ROURKE, and CECELIA FARACE ABADIE. The exhibits introduced in this matter are listed in the attached Exhibit A, which is a copy of the index of the exhibits as listed in the transcript of the hearing.

FINDINGS OF FACT

The committee found that all of the witnesses were credible and that each appeared to believe that they were testifying truthfully to the best of his/her abilities.

The committee found that Respondent did draft a letter to Mr. Connick and Mr. Broadwater that accused Judge Murphy of collusion with the Juvenile Court and Department of Children and Family Services, but Respondent did not send it to its intended recipients. Rather, she sent it to Mr. Rourke and Ms. Treadaway. The committee found Respondent did attack the integrity of a judge and continues to do so.

The committee found that Respondent did not provide competent representation to her client because she failed to file a writ within the time delays, did file pleadings that were duplicative in both the Juvenile Court and 24th Judicial District Court, did confuse matters with multiple pleadings filed, did fail to request service on certain pleadings when it should have been requested, did fail to allow a waiver of service in the Federal Court suit when she should have allowed it, did confuse the pending litigation and disrupt the tribunal by filing the numerous and

duplicative pleadings, did fail to know certain procedural rules and did file pleadings that unduly complicated the proceedings..

RULES VIOLATED

Violation of Rule 8.2

Respondent acknowledges that she wrote and transmitted a letter concerning alleged collusion of Judge Murphy with the Juvenile Court and Department of Children and Family Services, which attacked his integrity. Her defense for sending the letter is that she only sent it to two people and did not publish it publicly. Respondent's defense to the Rule 8.2 violation, while not specifically stated, not addressed in her post hearing memorandum and not proven at trial, seemed to be that she believes the allegations listed in her letter and in her subsequent Federal Court lawsuit to be true. However, given that Respondent did not present any proof of any misconduct and did not specifically defend against the Rule 8.2 violation, this committee finds that the ODC met its burden of proving its case that Respondent did write a letter that made statements Respondent should know to be false and/or with reckless disregard as to their truth or falsity concerning the integrity of a judge. Respondent based her allegations against Judge Murphy on speculation and conjecture rather than on any solid evidence that was presented to the hearing committee during the hearing.

Violation of Rule 1.1

Respondent has practiced law for over 29 years, but for the last several years the paternity/child support action involving Mark Jenkins appears to have been her only case, and he was her only client. She testified that his case may have been the only filiation case she worked on during her career. The record is replete with several filings that are curious

and support the allegation that she violated Rules 1.1 in failing to provide competent representation to her client and to the tribunal. One or two filings or procedural errors or incidents do not rise to the level of incompetency, but in this case there are numerous incidents that when reviewed collectively rise to that level and establish a violation of a lawyer's duty to provide competent representation.

First, Respondent admits that she missed a crucial deadline to file a writ on a ruling against her client, but she was not upset by it as she testified that her missing the deadline "had no effect on the case." Transcript pages 156, 172- 173. Yet, Mr. O'Rourke, who worked with the DFS in that specific area of practice, testified that he told Respondent to file a writ as he thought she had a cause of action. Transcript page 128. She did not advise her client to seek independent counsel after she missed the deadline, because she testified that her client trusted her completely. Transcript page 173. It is after this missed deadline that Respondent became determined to pursue an alternate theory of relief for her client which led to multiple filings in different courts. It is uncontroverted and admitted by Respondent that she missed the deadline, which bears on the issue of competency and supports a finding of a violation of Rule 1.1. Her lack of concern over the missed deadline and its effect on her client's case is noteworthy.

Additionally, the case is procedurally convoluted due to Respondent filing multiple pleadings and actions simultaneously in two separate courts, the Juvenile Court and the 24th Judicial District Court. Additionally, when Respondent filed duplicative pleadings in the two separate courts, the 24th JDC and the Juvenile Court, on the same issues, she testified it was because she was not sure which court had "proper venue." Transcript pages 176-182. She testified that she filed the same action in both courts because she wanted the 24th JDC to

handle the entire matter. Respondent did not establish that both courts had subject matter jurisdiction over all the issues upon which she was requesting relief in the pleadings, particularly when Juvenile Court is a court of limited jurisdiction. Respondent also filed a Motion to have the presiding judge correct the court minutes from a hearing without a contradictory hearing, without a certificate of service, or requesting service on opposing counsel and without requesting a transcript. Respondent testified that the judge could discover the error by listening to the recording of the hearing and correct the error. Transcript page 195-198. Respondent filed a Petition for nullification of a Fifth Circuit judgment in district court, thus requesting that a lower court act as a supervisory court over its corresponding court of appeal. She also wrote a letter to a judge's secretary concerning legal issues and procedural matters and did not send a copy to opposing counsel, then Respondent testified that it was not an ex parte communication because it was not addressed to the judge.

Other curious actions taken by Respondent that show her lack of legal knowledge and skill were that she filed pleadings and did not serve opposing counsel or parties in the underlying cases in the 24th JDC and Juvenile Court. Transcript page 176. Respondent filed suit in Federal Court but did not follow the rules of that court in that she did not allow Ms. Treadaway and Mr. O'Rourke to waive service of the Federal Court suit, despite their testimony that they both filed a waiver of service. Her actions were not only inconsiderate but also did not conform with Federal Court procedure regarding a Rule 4 waiver of service. Respondent filed a Motions in the proceedings but did not include a certificate of service on opposing counsel or have them served with the Motion. She alleged contempt of court with no Judgment that was violated. Transcript page 201. She filed a Motion to Dismiss Child Support retroactive to a particular date, then

testified that a week or so later after she learned more about the law she corrected herself and decided that she could request that the dismissal may be retroactive to an earlier date, so she dismissed and refiled the Motion rather than amending it. Transcript page 202-204.

There are other issues that show Respondent to be naïve and to not know the proper procedures that were shown in the pleadings, but for the purpose of brevity the hearing committee chose these specific incidents that were brought out at the hearing and illustrated her lack of competence.

Violation of Rule 8.4(a)

The ODC did establish by clear and convincing evidence that Respondent violated the Rules of Professional Conduct.

Violation of Rule 3.1

The underlying law and legal issues were made more confusing by Respondent's multiple filings. While neither of the two other lawyers who testified may have agreed with all of Respondent's legal theories, the ODC did not prove by clear and convincing evidence that Respondent filed frivolous pleadings. In fact, while Ms. Treadaway requested sanctions in the trial court against Respondent for frivolous filings, sanctions were not ordered.

Violation of Rule 3.3

The ODC did not meet its burden of proving this violation in that it seemed to the hearing committee that Respondent intended to show candor to each tribunal before which she practiced during the underlying litigation. She appeared to believe the allegations she made in her pleadings and in the testimony she presented to the hearing committee about her actions taken in the underlying litigation that led to the ODC complaint. Thus, the ODC did not establish that Respondent knowingly made a false statement to a tribunal.

Violation of Rule 3.5

While Respondent's lack of competent representation did in fact cause chaos and disruption, the ODC did not meet its burden of proof that Respondent engaged in *conduct intended to disrupt a tribunal*. That is, the ODC did not prove that Respondent acted in a manner to intentionally disrupt court proceedings. It was clear to the committee that all of Respondent's actions were fueled by a sincere desire to assist her client, to argue for him before the tribunal and to convince each tribunal that Respondent's position was correct, even when she was wrong. There was no evidence presented that Respondent acted as she did for the intended purpose of causing disruption, chaos or confusion, therefore the committee does not find that there was a violation of Rule 3.5.

SANCTION

The American Bar Association Standards for Lawyer Discipline and Disability Proceedings (hereinafter "Standards for Lawyer Discipline") do not attempt to recommend the type of discipline to be imposed in any particular case. The Standards merely state that the discipline to be imposed "should depend upon the facts and circumstances of the case, should be fashioned in light of the purpose of lawyer discipline, and may take into account aggravating or mitigating circumstances" (Standard 7.1) Louisiana Supreme Court Rule XIX, §10(C), states that when imposing a sanction after a finding of lawyer misconduct, a committee shall consider the following factors:

- (1) Whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
- (2) Whether the lawyer acted intentionally, knowingly, or negligently;
- (3) The amount of the actual or potential injury caused by the lawyer's misconduct; and

(4) The existence of any aggravating or mitigating factors.

Here, Respondent violated duties owed to the court, the legal system and the public. She acted intentionally and knowingly in making the allegations she made, but she made them while believing them to be true. Respondent's misconduct caused actual harm to the people she made allegations about: the judges and other lawyers that she wrote about and she filed suit against. It harmed their reputations, it caused them stress and anxiety, and it caused them to have to defend against the lawsuit filed against them. Ms. Treadaway had to pay a \$5,000 deductible towards her malpractice insurance to defend against the suit Respondent filed against her. Mr. O'Rourke was caused distress when he wasn't sure whether he would have to pay out of pocket to defend the suit against him. Both of these suits resulted from lawyers just doing their jobs, and just because those jobs may have been in opposition to Respondent's legal position and her client's interest.

Evidence was not presented about whether Respondent's client had to pay for all of the filing fees in this matter, but if he did, then he was harmed by duplicative filings. Additionally, there was no evidence concerning what legal fees Mark Jenkins paid Respondent. If he had to pay her for services that were duplicative, filed untimely or improperly, then he was harmed. But, since there was no evidence presented concerning what Mr. Jenkins had to pay to the court or Respondent, the committee is unable to determine what harm came to him from her actions. However, there was testimony that Ms. Jackson would have settled the case on the child support issue, but Respondent and Mr. Jenkins wanted reimbursement of \$50,000, which Ms. Treadaway and Mr. O'Rourke stated was not supported by the Louisiana Supreme Court in the "Gallo" case. Thus, Mr. Jenkins did suffer by not settling his child support litigation and by having to pay child support for the child's entire minority. However, risk occurs in litigation. There was no

evidence presented to establish that Mr. Jenkins was not aware of that risk and did not accept that risk by failing to settle.

Mitigating factors do exist. Respondent has not had any prior discipline. All of her actions were done in an effort to help her client, not for some kind of dishonest or selfish motive. She has been a most zealous advocate. No sanctions against her have been ordered by any court as of the date of this hearing.

The aggravating factors include the fact that Respondent has practiced law for over 29 years. Respondent has no remorse whatsoever. Respondent still argues that there was a “fix” in the paternity/child support litigation. Even after she wrote the letter and ODC filed its charges, Respondent continued to file pleadings, lawsuits, memorandum and testify about her perception of misconduct by Judge Murphy, Judge Burmaster, the Juvenile Court, the DFS, Ms. Treadaway and Mr. O’Rourke. In fact, she filed a suit in Federal Court directly naming personally as defendants the attorneys involved in the underlying case that had given rise to the ODC charges, Kristyl Treadaway and Timothy O’Rourke, as well as Judge Robert Murphy, and Judge Barron Burmaster, two of the judges involved in the underlying pending litigation in different courts. (Transcript page 56) As of the time of the disciplinary hearing the Federal Court case had been dismissed, but Respondent testified that she intended to pursue it by filing writs. Her remorse seemed only to be that she was facing disciplinary charges, not that she had done anything wrong or worthy of disciplinary action. Indeed, in further support of her belief of the collusion and conspiracy, Respondent signed a letter dated March 14, 2019 regarding her application for admission in the Federal Court in which she states that she sent a letter in which she “complained that the state appellate judge Murphy decided the issue of legal paternity through the collusion of opposing counsel, and

pressure on the juvenile court judge” and in the same letter Respondent accuses her opposing counsel of adding “other allegations to puff up the [disciplinary] complaint.” Exhibit ODC 19 Her Federal Court suit alleges a conspiracy between opposing counsel and the ruling judges and alleges the corruption of the Louisiana legal system. As Timothy O’Rourke testified, the allegations in the letter Respondent sent were similar to those made in the Federal Court suit she filed against him, Ms. Treadway, Judge Burmaster and Judge Murphy. (Transcript page 123) Respondent did not introduce any evidence of an actual conspiracy or collusion at the hearing, just her own opinion and speculation. However, despite the lack of evidence to support the belief, Respondent must still believe there is collusion and a conspiracy because at the time of the hearing she was still pursuing her Federal Court suit without remorse. As she testified, “actually, I’m sorry because they have -- they brought this against me.” But she is not sorry that she made the allegations against them and has not stopped making the allegations. While Respondent states that she believes there was collusion, she did not prove it and the facts do not support it.

It cannot be said that Respondent was not zealous. The volumes of pleadings filed in the underlying litigation show that Respondent was in fact a very zealous advocate for her client. She testified that she wanted to get the job done for him and to see that his rights were protected. However, her zeal has a detrimental effect when it leads her to call opposing counsel and judges liars and to make slurs on their character, as Respondent continues to do even in her post trial memorandum.

The committee did not find many cases similar to this one factually to use as precedent to set a recommended sanction. *In re: Jesse Clarence Brown*; 2007-0995 (La. 10/17/2007); 967 So.2d 482 was a case in which there was a competency violation coupled with

lack of diligence which justified a public reprimand. As stated previously, diligence was not at issue here. However, the continued slurs and litigation against opposing counsel and Judge Murphy and Burmaster coupled with the competency violation do justify a harsher sanction than a public reprimand which will not aid Respondent in the continued practice of law in a professional manner.

In re: Gasper Schiro; 2004- 1647 (La. 11/15/2004); 886 So.2d 1117 and *In Re: Darryl L. Robertson*, 2017-B-1169 (11/28/17) 230 So.3d 193 both involve incompetence and neglect of client matters combined with prior disciplinary actions and substantial experience in the practice of law that resulted in suspension of one year with six months deferred and one year of unsupervised probation for Schiro and suspension for a year and a day for Robertson.

In re: J. Clemille Simon, 2004-2947 (La. 6/29/05); 913 So.2d 816 a lawyer who was found to knowingly make false statements against a judge and showed no remorse was suspended from the practice of law for a period of six months with all but thirty days deferred. In this case, Respondent continues to call Judge Murphy and Judge Burmaster liars in pleadings and other writings after having produced no proof to support those allegations, thus this case warrants a more serious sanction.

In re: Christine M. Mire, 2015-B-1453 (La. 2/19/16); 197 SO.3d 656 is factually more similar to the case at hand. In that case the respondent was suspended from the practice of law for one year and one day, with six months deferred, followed by a two-year period of unsupervised probation with the condition that she attend Ethics School. The hearing committee finds that a two year probation with a probation monitor would be more a more appropriate sanction in this case than requiring Respondent to attend Ethics School as a probation monitor

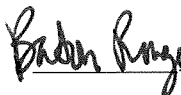
would be available to Respondent to discuss her ethical and professional obligations related to the litigation she testified at the hearing that she intends to pursue.

CONCLUSION

In conclusion, the hearing committee finds that Respondent violated Rules of Professional Conduct 1.1, 8.2 and 8.4(a). The Office of Disciplinary Counsel did not meet its burden of proving violations of Rules 3.1, 3.3 and 3.5 by clear and convincing evidence.

The hearing committee recommends a sanction of a one year suspension, with all but six months deferred conditioned on a two-year period of supervised probation. During the period of probation, Respondent should be supervised by a probation monitor who will meet with her monthly to monitor her practice and review her client files and any pleadings she signs. Respondent shall be assessed with the costs and expenses of the proceeding pursuant to Rule XIX, §10.1.

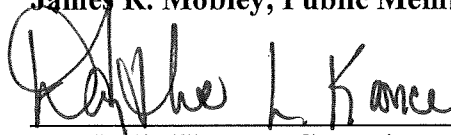
This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized Edythe L. Koonce, to sign on their behalf.

 Louisiana, this 4 day of December, 2019.

**Louisiana Attorney Disciplinary Board
Hearing Committee # 27**

**Edythe L. Koonce, Committee Chair
H. Price Mounger, Lawyer Member
James R. Mobley, Public Member**

BY:


Edythe L. Koonce, Committee Chair
For the Committee

APPENDIX

Rule 1.1. Competence

- (a) A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
- (b) A lawyer is required to comply with the minimum requirements of continuing legal education as prescribed by Louisiana Supreme Court rule.
- (c) A lawyer is required to comply with all of the requirements of the Supreme Court's rules regarding annual registration, including payment of Bar dues, payment of the disciplinary assessment, timely notification of changes of address, and proper disclosure of trust account information or any changes therein.

Rule 3.1. Meritorious Claims and Contentions

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

Rule 3.3. Candor Toward the Tribunal

- (a) A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer; (2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.
- (b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.
- (c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.
- (d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Rule 3.5. Impartiality and Decorum of the Tribunal

A lawyer shall not:

- (a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;
- (b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order;
- (c) communicate with a juror or prospective juror after discharge of the jury if: (1) the communication is prohibited by law or court order; (2) the juror has made known to the lawyer a desire not to communicate; or (3) the communication involves misrepresentation, coercion, duress or harassment; or
- (d) engage in conduct intended to disrupt a tribunal.

Rule 8.2. Judicial and Legal Officials

- (a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.
- (b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

Rule 8.4. Misconduct

It is professional misconduct for a lawyer to:

- (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; ...

I N D E X

	PAGE
Proceedings.....	23
Reporter's Page.....	312
Certificate.....	313

* * * * *

EXAMINATION OF: KRISTYL TREADAWAY

BY MS. GREEN:..	39,102
BY MR. CIOLINO:.....	65

EXAMINATION OF: TIMOTHY O'ROURKE

BY MS. GREEN	118,146
BY MR. CIOLINO.....	130

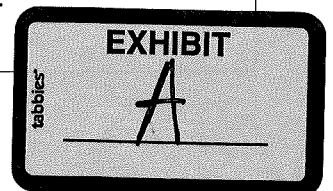
EXAMINATION OF: CECELIA FARACE ABADIE

BY MS. GREEN149
BY MR. CIOLINO265

* * * * *

E X H I B I T S

LADB/ODC EXHIBIT BINDER	PAGE	25
ODC-1	Complaint filed by opposing counsel received 9/21/2015, without attachments;	
ODC-1A	Letter written by Respondent to Paul Connick, Chris Broadwater; carbon copied to Timothy O'Rourke, DFC, and Kristyl Treadaway accusing Judge Robert Murphy of the Fifth Circuit Court of Appeal of collusion on 9/15/2015;	



1 ODC-2 Initial response from Respondent,
2 received 11/2/2015, without attachments;
3 ODC-3 Supplemental response from Respondent,
4 received 11/3/2015, without attachments;
5 ODC-4 Response from Complainant received
6 12/21/2015, without attachments;
7 ODC-5 PLEADINGS FILED IN THE 24TH JUDICIAL
8 DISTRICT COURT, DISTRICT FOR THE PARISH
9 OF JEFFERSON filed in 2012
10 ODC-5A Petition for Revocation of
11 Acknowledgment of Paternity, for Damages
12 Due to Fraud Under C.C. Art. 2315 and
13 for Restoration of Payments Not Due
14 Under C.C. Art. 229; Rule to Show Cause
15 Why Defendant Should Not Submit Herself
16 and Her Son for DNA Testing and Motion
17 for Productions of Photographs, filed
18 by Respondent, 2/15/2012, with Order
19 granted/denied in part, signed 2/15/2012;
20 ODC-5B Memorandum in Opposition to Exception
21 of Prescription and in Support of
22 Rule to show Cause Why DNA Test for
23 Paternity Should Not Be Ordered, filed
24 by Respondent, 6/11/2012, with
25 attachments;
ODC-5C Vacated Judgment, submitted by
Respondent and signed by the Judge
ODC-5D Judgment, granting Latasha Jackson's
Exception of Prescription, denying
Exceptions No Cause of Action and No
Right of Action, signed 7/5/2012;
ODC-5E Memorandum in Support of Motion for
New Trial, filed by Respondent 7/9/2012;
ODC-5F Opposition to Motion for New Trial,
filed by opposing counsel 9/7/2012;
ODC-5G Judgment on Motion for New Trial,
filed, signed by Domestic Commissioner,
Ruben J. Bailey, 10/15/2012;

1 ODC-5H Petition and Order for Appeal, filed
by Respondent 09/10/2012;

2 ODC-5I Objection to Domestic Commissioner
3 and Order to Transfer to District
Court, filed by opposing counsel
4 9/20/2012

5 ODC-5J Judgment, filed, signed by Commissioner
10/17/2012;

6 ODC-5K Objection to Domestic Commissioner
7 Judgment and Order to Transfer to
District Court, filed by opposing
8 counsel 10/15/2012, and granted
10/17/2012;

9 ODC-5L Exception of Nonjoinder of
10 Indispensable Party and Order, filed
by opposing counsel, 11/12/2012, with
11 attached Order signed 11/14/2012;

12 ODC-5M Amended Petition for Nullification of
13 Acknowledgment of Paternity, Motion for
Appointment of Curator, Request for
14 Hearing on Exception of Prescription To
Be Reset, Ex Parte Motion for Order for
15 Paternity Test, filed by Respondent
11/21/2015, with attached Order signed
12/4/2012;

16 ODC-5N Curator's Answer and Exceptions and
17 Note of Evidence, filed 11/21/2012;

18 ODC-5O Memorandum in Support of Domestic
Commissioner's Ruling Denying the
19 Exception of Prescription, filed by
Respondent 12/17/2012;

20 ODC-5P Plaintiff's Memorandum on Law Governing
21 Testing for Inherited Characteristics,
filed by Respondent 12/18/2012;

22 ODC-5Q Answer to Amended Petition for
23 Nullification of Acknowledgment of
Paternity, Motion for Appointment of
24 Curator, Request for Hearing on
Exception of Prescription to be Reset,
25 Ex Parte Motion for Order for

1 Paternity Test, filed by opposing
2 counsel 12/19/2012;

3 ODC-5R Opposition to Plaintiff's Ex Parte
4 for Order to Submit to Collection of
5 Blood/Tissue for Paternity Test, filed
6 by opposing counsel 12/19/2012;

7 ODC-5S Memorandum in Opposition to Plaintiff's
8 Ex Parte Motion for Order to Submit
9 to Collection of Blood/Tissue for
10 Paternity test, filed by opposing
11 counsel 12/19/2012;

12 ODC-5T Memorandum in Support of Objection to
13 Domestic Commissioner Judgment and
14 Order to Transfer to District Court,
15 filed by opposing counsel 12/19/2012;

16 ODC-5U Rule to Show Cause Why the Court
17 Should Not Order a Hearing to Determine
18 Whether an Order for Genetic Testing in
19 Accordance with L.A.R.S. 9:396 Should Not
20 Be Granted, filed by the Respondent
21 12/21/2012. And, Order granting Rule signed
22 by Judge 12/21/2012;

23 ODC-5V Transcript for Motions Hearing held
24 6/20/2012;

25 ODC-5W Transcript for Motions Hearing held
9/13/2012;

ODC-5X Transcript for Motions Hearing held
10/15/2012;

ODC-5Y Transcript for Motions Hearing held
11/14/2012;

ODC-5Z Transcript from Motions Hearing held
12/19/2012;

ODC-6 PLEADINGS FILED IN THE 24TH JUDICIAL
DISTRICT COURT, DISTRICT FOR THE PARISH
OF JEFFERSON, filed in 2013

ODC-6A Judgment and Reasons, filed 1/22/2013;

ODC-6B Notice of Intention to Apply for

1 Supervisory Writ, filed by opposing
2 Notice signed by Judge 2/15/2013;

3 ODC-6C Motion for Stay Pending Writ, filed by
4 opposing counsel 2/22/2013. And, Order
denying Motion signed by Judge
2/27/2013;

5 ODC-6D Motion for Expedited Hearing for
6 Defendant to Show Cause Why Child
7 Support Payments Should Not Be Suspended;
8 Why She Should Not Be Ordered to Pay
9 Attorney Fees and Costs; Why Plaintiff
10 Should Be Held Not Liable for Her Costs
11 and Fees Under Any Circumstances; and Why
12 Plaintiff Should Not be Found Not to be
13 the Biological Father, filed by Respondent
14 3/7/2013; Order granting Motion signed by
15 Judge 3/7/2013. And, Memorandum in Support
of Rule for Expedited Hearing for Defendant
to Show Cause Why Child Support Payments
Should Not Be Suspended; Why She Should
Not Be Ordered to Pay Attorney Fees and
Costs; Why Plaintiff Should be Held Not
Liable for Her Costs and Fees
Under Any Circumstances; and Why Plaintiff
Should Not Be Found Not to be the
Biological Father, filed by Respondent
3/7/2013;

16 ODC-6E Writ Granted In Part; Remanded, filed
17 in the Fifth Circuit Court of Appeal
on May 14, 2013;

18 ODC-6F Order for parties to submit to paternity
19 testing, filed, signed by Judge 6/27/2013;

20 ODC-6G Correspondence to 24th J.D.C. from
21 Respondent 6/28/2013, with Affidavit of
22 Mark Anthony Jenkins, Sr., supplementing
Plaintiff's previous Motion for Court
to Rule on Petitioner's Previous
Motion for Genetic Testing Under R.S. 9:396;

23 ODC-6H Motion and Order to Enroll as Counsel
24 of Record and Request for Notice
25 Pursuant to LSA-CCP ARTS. 1572, 1913, and
1914, filed by opposing counsel 8/19/2013.
And, Order granting enrollment signed by

1 Judge 8/19/2013;

2 ODC-6I Ruling of Louisiana Supreme Court 8/22/2013,
3 denying Writ filed by Plaintiff's counsel;

4 ODC-6J Motion to Amend Petition to Annul
5 Judgment of Juvenile Court, filed by
6 Respondent 9/11/2013. And, Order granting
7 Motion signed by Judge 9/22/2013;

8 ODC-6K Memorandum in Support of Motion to File
9 Second Amendment to Petition, filed by
10 Respondent 10/8/2013;

11 ODC-6L Second Amendment to Original Petition with
12 Request for Annulment of Juvenile Court
13 Judgment and Memorandum in Support, filed
14 by Respondent 10/18/2013;

15 ODC-6M Opposition to Motion to Amend Petition
16 to Annul Judgment of Juvenile Court,
17 filed by opposing counsel 10/29/2013;

18 ODC-6N Judgment allowing Plaintiff to be allowed
19 to file second amendment, filed, signed
20 by Judge 11/25/2013;

21 ODC-6O Second Amendment Supplement to
22 Original Petition to Add an Action for
23 Nullification of the Order and for
24 Damages Due to Fraud in a Compromise;
25 And to Add Mental Anguish to the Damages,
filed by Respondent 11/15/2013;

ODC-6P Answer with attached Affidavit, filed by
opposing counsel 12/18/2013;

ODC-6Q Transcript for Motions Hearing held
1/16/2013;

ODC-6R Transcript for Motions Hearing held
10/30/2013;

ODC-7 PLEADINGS FILED IN THE 24TH JUDICIAL
DISTRICT COURT, DISTRICT FOR THE
PARISH OF JEFFERSON, filed in 2014

ODC-7A Answer and Affirmative Defenses, filed
by ADA, Timothy O'Rourke 4/23/2014;

- 1 ODC-7B Petition for Nullification of Judgment
2 of Fifth Circuit Which Reversed a
3 Judgment of This Court, filed by
4 Respondent 6/30/2014;
- 5 ODC-7C Motion to Allow Filing of Paternity
6 Test Report in Juvenile Court, filed
7 by Respondent 8/29/2014. And, Order
8 granting Motion signed by Judge 9/11/2014;
- 9 ODC-7D Motion to Go Directly to Judge on the
10 Rule to Show Cause, filed by Respondent
11 10/17/2014. And, Order granting Motion
12 signed by Judge 10/17/2014;
- 13 ODC-7E Correspondence from opposing counsel
14 to Respondent 10/15/2014, regarding
15 discovery responses, filed into record
16 on 10/17/2014;
- 17 ODC-7F Rule to Show Cause Why Plaintiff's Name
18 Should Not Be Removed from the Birth
19 Certificate and Why an Expert Should Not
20 Be Appointed to Calculate Probability of
21 Paternity, filed by Respondent
22 10/17/2014; Order granting Rule signed
23 by Judge 10/17/2014. And, Memorandum in
24 Support of Order to Remove Plaintiff's
25 Name from the Birth Certificate Based
on Finding of Non-Paternity, filed by
Respondent 10/17/2014;
- ODC-7G Memorandum in Support of Order to DCFS
to Authorize DDC to Use Its DNA Test
Report on Samuel Scott to Calculate
Probability of Paternity or Order for
DDC or Another Expert to Use the Report
to Calculate Probability of Paternity,
filed by Respondent 10/17/2014;
- ODC-7H Exception of Prescription, Order (granted)
by Judge) and Memorandum in Support of
Exception of Prescription, filed by
opposing counsel 11/20/2014;
- ODC-7I Memorandum in Opposition to Defendant's
Exception of Prescription, filed by
Respondent 12/23/2014;

- 1 ODC-8 PLEADINGS FILED IN THE 24TH JUDICIAL
2 DISTRICT COURT, DISTRICT FOR THE PARISH
3 OF JEFFERSON filed in 2015
- 4 ODC-8A Supplemental to Memorandum in Opposition
5 to Exception of Prescription, filed
6 by Respondent 1/12/2015;
- 7 ODC-8B Reply Memorandum in Support of Exception
8 of Prescription, filed by opposing
9 counsel 1/16/2015;
- 10 ODC-8C Memorandum Ordered by the Court to
11 Address the Right to Use the DNA Test
12 Report Information of a Non-Party, which
13 is Filed in Juvenile Court as Evidence
14 in the Trial to Prove Fraud, filed by
15 Respondent 1/29/2015;
- 16 ODC-8D Post-Hearing Memorandum in Support of
17 Alteration of the Birth Certificate,
18 filed by Respondent 1/29/2015;
- 19 ODC-8E Post-Trial Memorandum, filed by
20 opposing counsel 2/2/215;
- 21 ODC-8F Judgment denying Motion to remove
22 Plaintiff from birth certificate signed
23 by Judge 2/4/2015;
- 24 ODC-8G Motion to Court to Allow Plaintiff Time
25 to Bring Request to Juvenile Court for
Release of the DNA Test Report Before
This Court Rules on Plaintiff's
Motion to Appoint an Expert to Use the
DNA Test Report, filed by Respondent
2/4/2015. And, Order denying Motion
signed by Judge 2/4/2015;
- ODC-8H Petition for Alteration of a Birth
Certificate to Remove Petitioner's
Name as Father of the Child, Void His
Signature and Change the Surname of
the Child, filed by Respondent 2/9/2015;
- ODC-8I Revised Accounting fro Work and Costs
in Pursuing the DNA Test, filed by
Respondent 2/26/2015;

1 ODC-8J Motion and Order for Appeal, filed by
2 opposing counsel 2/24/2015. Order
3 granted and signed by Judge 2/25/2015;
4
5 ODC-8K Motion to Amend Petition A Third Time,
6 filed by Respondent 5/28/2015; and Order
7 granting Motion signed by Judge 5/28/2015;
8
9 ODC-8L Motion for Order to Calculate the
10 Probability of Paternity, filed by
11 Respondent 5/28/2015; and Order granting
12 Motion signed by Judge 5/28/2015;
13
14 ODC-8M Third Amendment and Supplement to the
15 Original Petition, filed by Respondent
16 5/28/2014; and Order granting Motion
17 signed by Judge 5/28/2015;
18
19 ODC-8N Motion for Extension of Time, filed by
20 ADA, Timothy O'Rourke; and Order granting
21 Motion signed by Judge 6/18/2015;
22
23 ODC-8O Answer to Third Amendment and
24 Supplement to Original Petition, filed
25 by opposing counsel 6/17/2015;
26
27 ODC-8P Writ Granted in Part and Denied in Part
28 by Fifth Circuit Court of Appeal, filed
29 7/31/2015;
30
31 ODC-8Q Order denying Writ of Certiorari and/or
32 Review, 24th J.D.C., Parish of Jefferson,
33 Case No. 711-419A; to the Court of Appeal,
34 Fifth Circuit Docket No., 15-C-395, issued
35 9/04/2015;
36
37 ODC-8R Motion to Dismiss the Allegations Against
38 DCFS Contained in Third Amendment to
39 Petition and Motion to Rebut Finding of
40 Judicial Confession to Signing "An
41 Acknowledgment" Other than the Birth
42 Certificate, filed by Respondent 10/7/2015.
43 And, Order granting Motion signed by
44 Judge 10/13/2015.
45
46 ODC-8S Memorandum in Support of Motion to Rebut
47 Judicial Confession the Fifth Circuit
48 Found in Its Disposition on the Writ
49 Application from This Court, filed by

1 Respondent 10/7/2015;

2 ODC-8T First Motion and Order for Extension of
3 Time Within Which to Plead, filed by
4 Assistant Attorney General, Sonia Gupta,
10/29/2015. And, Order granting Motion
signed by Judge 10/30/2015.

5 ODC-8U Transcript for Motions Hearing held
10/26/2015;

6 ODC-9 PLEADINGS FILED IN THE 24TH JUDICIAL
7 DISTRICT COURT, DISTRICT OF THE PARISH
OF JEFFERSON filed in 2016

8 ODC-9A Judgment filed and signed by Judge
9 2/1/2016, denying Motion to Dismiss
10 Allegations Against DCFS Contained in
the Third Amendment to the Petition and
11 Motion to rebut Finding a Judicial
Confession to Signing "An Acknowledgment"
Other than the Birth Certificate;

12 ODC-9B Motion to Request Order Permitting Filing
13 and Service of Amendment and Supplement,
filed by Respondent 3/10/2016;

14 ODC-9C Fourth Amendment to Remove the
15 Allegations Against DCFS That Were in
the Third Amendment and a Second
16 Supplement to: 1) Request Nullification
of Fifth Circuit's Ruling for Lack of
17 Jurisdiction and for Fraud and Ill-Practice
in the Writ Application, 2) Request a
18 Finding that R.S. 9:406B(2) Is
Unconstitutional, and 3) Request an
19 Injunction Against Enforcement of the
Rulings, filed by Respondent 3/10/2016;

20 ODC-9D Memorandum in Support of Supplement
21 to Add Petition to Nullify the
Judgment of the Fifth Circuit Court of
22 Appeal, filed by Respondent 3/10/2016.
And Order denying Motion signed by Judge
23 on 3/10/2016;

24 ODC-9E Petition for Nullification; 1) Request
Nullification of Fifth Circuit's Ruling
25 For Lack of Jurisdiction and for Fraud

- 1 and Ill-Practice in the Writ Application;
2 2) Request a Finding that R.S. 9:406B(2)
3 Is Unconstitutional; and 3) Request an
4 Injunction Against Enforcement of the
5 Ruling, filed by Respondent 3/10/2016.
6 And, Order denying Petition signed by
7 Judge 3/10/2016;
- 8 ODC-9F Exception of No Cause of Action, Res
9 Judicata, and for Sanctions, filed by
10 opposing counsel 4/5/2016; Order
11 granting Exception signed by Judge
12 4/5/2016; and Memorandum in Support of
13 Exception of No Cause of Action, Res
14 Judicata and for Sanctions, filed by
15 opposing counsel 4/5/2016;
- 16 ODC-9G Rule to Show Cause Why Defendant's
17 Obligation to Pay Plaintiff's Costs for
18 DNA Testing Should Not Be Made Executory
19 and Memorandum in Support of Rule to Show
20 Cause Why Defendant's Obligation to Pay
21 Plaintiff's Costs for DNA Testing Should
22 Not Be Made Executory, filed by Respondent
23 4/19/2016;
- 24 ODC-9H Response to Exception of No Cause of Action,
25 filed by Respondent 05/04/2016;
- ODC-9I Order filed into record by Respondent on
5/4/2016, signed by Judge May of 2015;
- ODC-9J Response to Rule to Show Cause Why
Defendant's Obligation to Pay Plaintiff's
Costs for DNA Test Should Not Be Made
Executory, filed by opposing counsel
5/8/2016;
- ODC-9K Judgment granting Exception and denying
Request for Sanctions, filed 5/24/2016;
- ODC-9L Notice of Intention to Apply for
Supervisory Writ and Motion for the
Setting of a Return Date for the Writ
Application, filed by Respondent
6/13/2016;
- ODC-9M Judgment ordering defendant to reimburse
Plaintiff's costs, filed 6/15/2016;

1 ODC-9N Notice of Intention to Appeal Devolutively
2 and Motion for the Setting of a Return
3 Date for the Devolutive Appeal, filed by
4 Respondent 6/22/2016;

5 ODC-9O Order to file DNA Test Results under seal,
6 filed 8/25/2016;

7 ODC-9P Order to amend 5/24/2016 Judgment to
8 include decretal language and supplement
9 the appellate record, filed 11/1/2016;

10 ODC-9Q Amended Judgment granting Exception of
11 No Cause of Action and the Res Judicata;
12 denying the Request for Sanctions; and
13 dismissing the Petition of Nullification
14 with prejudice, filed 11/7/2016;

15 ODC-9R Transcript of Motion Hearing 5/16/2016;

16 ODC-10 Transcript of Respondent's Investigative
17 Sworn Statement taken at the Office of
18 Disciplinary Counsel 8/25/2016;

19 ODC-11 PLEADINGS FILED IN THE JUVENILE COURT,
20 JEFFERSON PARISH in 2013

21 ODC-11A Adoption of the Fifth Circuit's Ruling,
22 "Defendant cannot set aside the
23 Acknowledgment of Paternity as the
24 timeframe to set aside the acknowledgment
25 expired prior to defendant filing his
request," with attachment (First Circuit
Ruling), issued by Hearing Officer 8/1/2013;

ODC-11B Petition for Annulment of Judgment, filed
by Respondent 8/26/2013;

ODC-11C Motion to Obtain Transcript, filed by
Respondent 9/3/2013. And, attached Order
granting Motion signed by Judge 9/4/2013;

ODC-11D Amendment to Petition and Motion to Have
It Filed and For Service with Citation
of the Original Petition and this
Amending Petition, filed by Respondent
11/22/2013. And, attached Order denying
Petition signed by Judge 11/25/2013;

1 ODC-12 PLEADINGS FILED IN THE JUVENILE COURT,
JEFFERSON PARISH in 2014

2 ODC-12A Motion for Hearing, filed by Respondent
3 04/21/2014. And, attached Order signed
by Judge 4/23/2014;

4 ODC-12B Request for Disagreement Hearing, filed by
5 Respondent 6/2/2014. And, attached Order
signed by Judge 6/3/2014;

6 ODC-12C Handwritten Memo in Support of Motion for
7 Hearing 6/23, filed by Respondent
6/2/2014;

8 ODC-12D JUVENILE COURT minutes 5/22/2014;

9 ODC-12E Memorandum in Support of this Court's
10 Jurisdiction Over Action to Nullify
Child Support Order, filed by Respondent
11 5/27/2014;

12 ODC-12F Minute Entry-Judgment, filed 7/9/2014;

13 ODC-12G Answers to Request for Production and
14 Answers to Interrogatories, filed by
Assistant District Attorney, John D.
Fitzmorris, Jr., 9/11/2014;

15 ODC-12H Memorandum in Opposition to Defendant
16 Mark Jenkins, Sr.'s, Memorandum on
17 Nullification and Reimbursement, filed by
Assistant District Attorney, John D.
18 Fitzmorris, Jr., 9/11/2014;

19 ODC-12I Rule to Show Cause Why the Court Should
20 Not Order the Appointment of an
Expert to Calculate the Probability that
21 Samuel Scott is the Father of Mark
Jenkins, Jr., and Order the Department to
22 Authorize DDC to Use Scott's DNA Report,
filed by Respondent 8/14/2014. And,
23 attached Order granting Rule signed by
Judge 8/15/14;

24 ODC-12J Memorandum in Support of Authorization
for Use of DNA Test Results of Samuel
25 Scott and for Appointment of an Expert to

- 1 Calculate the Probability that Samuel
2 Scott is the Father of Mark Jenkins, Jr.,
3 filed by Respondent 8/14/2014;
- 4 ODC-12K Memorandum on Nullification and
5 Reimbursement, filed by Respondent
6 8/14/2014;
- 7 ODC-12L JUVENILE COURT Minute Entry-Judgment
8 9/15/2014;
- 9 ODC-12M Motion to Stop Payment of Past-Due and
10 for Correction of Minutes, filed by
11 Respondent 10/24/14. And, attached Order
12 setting matter for Contradictory Hearing
13 signed by Judge 10/30/2014;
- 14 ODC-12N Motion to Obtain Transcript, filed by
15 Respondent 11/24/2014. And, attached
16 Order denying Motion;
- 17 ODC-12O Rule to Show Cause Why DCFS Should Not
18 Be Ordered to Return All Income Tax
19 Returns Seized and Payments Demanded for
20 Past-Due Support Without Due Process
21 of Law and in Contempt of Court, filed
22 by Respondent 12/30/2014. And, attached
23 Order denying Motion;
- 24 ODC-13 PLEADINGS FILED IN THE JUVENILE COURT,
25 JEFFERSON PARISH in 2015
- ODC-13A JUVENILE COURT Minute Entry for Rule
to Show Cause hearing 1/12/2015;
- ODC-13B Motion to Dismiss the Order for Support
of Effective Retroactively to February
15, 2012; Order setting matter for Rule
to Show Cause hearing signed by Judge
2/9/2015. And, Memorandum in Support of
the Dismissal of the Support Order
Effective February 15, 2012, and for
Computation of Arrearage Using That Date,
filed by Respondent 2/4/2015;
- ODC-13C Rule to Show Cause Why the DNA Test Report
in the Court's Record or Another Case Should
Not Be Released to the District Court for
Evidence in the Trial to Prove Fraud

- 1 and for a Possible Order for Calculation
2 of the Probability of Paternity from the
3 Report, filed by Respondent 2/4/2015;
4 Order granting Rule signed by Judge; and
5 Memorandum in Support of Rule to Show
6 Cause Why the DNA Information in the
7 Court Record on a Non-Party Should Not
8 Be Released to the District Court;
- 9 ODC-13D JUVENILE COURT Minute Entry-Judgment for
10 Rule hearing held 2/23/15;
- 11 ODC-13E Motion to Dismiss the Order for Support
12 Effective the Day It Was Rendered, filed
13 by Respondent 2/13/2015. And, attached
14 Order granting Motion signed by Judge;
- 15 ODC-13F Memorandum to Correct the Date Requested
16 for Retroactive Effect of the Dismissal
17 of Support, filed by Respondent 2/20/2015;
- 18 ODC-13G Motion and Order for Appeal, filed by
19 Respondent 3/9/2015. And, Order granting
20 Appeal signed by Judge 3/11/2015;
- 21 ODC-13H Motion for New Trial and to Stop All
22 Payments to Jackson Since with A Void
23 of Contract There is No Arrearage, filed
24 by Respondent 3/02/2015. And, attached
25 Order denying Motion, signed by Judge.
- ODC-13I Memorandum in Support of New Trial on
Issue of Whether in the Event Plaintiff
Loses oof then Issue of Fraud in the
District Court, Dismissal of the Order for
Support Should be Retroactive to the Date
of Filing of the Petition, filed by
Respondent 3/2/2015;
- ODC-13J Ex Parte Motion for Order Dismissing the
Order for Income Assignment, filed by
Respondent 3/2/2015;
- ODC-13K Correspondence to Marcotte from
Respondent 5/28/2015;
- ODC-13L Memorandum Showing That Mark Jenkins
Never Became the Legal Father of the
Child, filed by Respondent 6/8/2015;

1 ODC-13M Memorandum to Show that the Alteration
2 of a Birth Certificate Was Proper; The
3 Birth Certificate is Irrelevant to the
4 Issue of Whether Jenkins is the Legal
5 Father and a Continuance Should not be
6 Granted, filed by Respondent 6/8/2015;
7
8 ODC-13N Motion to Return the Record Sent to This
9 Court by Mistake or Motion to Dismiss,
10 filed by Respondent 6/8/2015;
11
12 ODC-13O Order returning record to Juvenile Court,
13 signed by Judge 6/11/2015;
14
15 ODC-13P Memorandum filed by opposing counsel
16 6/12/2015;
17
18 ODC-13Q JUVENILE COURT Minute Entry-Judgment for
19 Status Hearing held 6/15/2015;
20
21 ODC-14 PLEADINGS FILED IN THE FIFTH CIRCUIT
22 COURT OF APPEAL IN DOCKET NO. 13-C-296
23
24 ODC-14A Application for Writs filed 4/8/2013;
25
26 ODC-14B Writ Granted in Part: Remanded, signed
27 by Appellate Court Judges 5/14/2013;
28
29 ODC-14C Supreme Court Ruling issued to
30 Appellate Court denying Supervisory
31 and/or Remedial Writs, 8/22/2013;
32
33 ODC-15 PLEADING FILED IN THE FIFTH CIRCUIT
34 COURT OF APPEAL IN DOCKET NO. 15-CA293
35
36 ODC-15A Motion to Dismiss an Interlocutory
37 Appeal from the 24th Judicial District
38 Court, Case No. 711-419, Division "A,"
39 The Honorable Raymond S. Steib Presiding,
40 filed by Respondent 5/11/2015;
41
42 ODC-15B Brief in Support of Motion to Dismiss
43 Defendants' Appeal, filed by Respondent
44 5/11/2015;
45
46 ODC-15C Order to show cause why appeal should
47 not be dismissed, signed by Judge 5/13/2015;
48
49 ODC-15D Brief in Support of Appeal Filed on Behalf

1 of Defendant-Appellant, Latasha Jackson,
2 filed by opposing counsel 5/18/2015;

3 ODC-15E Order dismissing appeal signed by Fifth
4 Circuit Judge 5/26/2015;

5 ODC-16 PLEADINGS FILED IN THE FIFTH CIRCUIT
6 COURT OF APPEAL IN DOCKET NO. 16-CA-482

7 ODC-16A Plaintiff Mark Anthony Jenkins's Brief in
8 Support of Appeal, filed by Respondent
9 9/16/2016;

10 ODC-16B Original Brief on Behalf of
11 Defendant-Appellate Latasha Jackson, filed
12 by opposing counsel 11/14/2016;

13 ODC-16C Order issued in the Fifth Circuit, signed by
14 Appellate Court Judges 11/1/2016;

15 ODC-16D Fifth Circuit Court Opinion issued 2/22/2017;

16 ODC-16E Plaintiff/Appellant's Request for
17 Reconsideration, filed by Respondent
18 3/9/2017;

19 ODC-16F Order denying Request for Reconsideration
20 3/22/2017;

21 ODC-17 PLEADINGS FILED IN THE LOUISIANA SUPREME
22 COURT

23 ODC-17A Order denying Respondent's untimely filing
24 of Supervisory and/or Remedial Writs, 24th
25 J.D.C., Parish of Jefferson, Case No.
711-419A; to the Court of Appeal, Fifth
Circuit, Docket No. 13-C-296, issued
8/22/2013;

ODC-17B Application or Write of Certiorari, filed
by Respondent in Louisiana Supreme Court
8/28/2015, in connection with Docket No.
15-CJ-1622;

ODC-17C Order denying Writ of Certiorari and/or
Review, 24th J.D.C., Parish of Jefferson,
Case No. 711-419A; to the Court of Appeal,
Fifth Circuit, Docket No. 15-C-395,

- 1 issued 9/4/2015;
- 2 ODC-17D Application for Writ of Certiorari in
3 Connection with the Disposition of the
4 Fifth Circuit Court of Appeal, the
5 Granting of Exceptions of No Nullification,
6 filed by Respondent 4/21/2017, in
7 connection with Docket No. 17-C-652;
- 8 ODC-17E Order denying Writ of Certiorari and/or
9 Review, 24th J.D.C., Parish of Jefferson,
10 Case No. 711-419A; to the Court of Appeal,
11 Fifth Circuit, Docket No. 16-C-482,
12 issued 9/6/2017;
- 13 ODC-18 Complaint lodged with United States
14 District Court Eastern District of
15 Louisiana, by Respondent 3/22/2018;
- 16 ODC-19 Respondent's Application for Admission
17 to the U.S. Fifth Circuit Court of
18 Appeals, 3/14/2019;
- 19 ODC-20 Chronological index of pleadings filed by
20 Respondent in underlying civil matters.

RESPONDENT EXHIBIT BINDER

PAGE 25

- 21 R.1 La. R.S. 40:46.1D "Hospital-based
22 paternity program";
- 23 R.2 La. C.C. Art. 203 Formal Acknowledgments;
- 24 R.3 La. R.S. 46:236.1.2 "Family and child
25 support programs; responsibilities": to
establish paternity;
- R.4 La. R.S. 46:236.1.7 liability for gross
negligence or recklessness, wanton, or
intentional misconduct;
- R.5 Hearing Officer Recommendation and
Order for Support, 1997;
- R.6 Letter f. DHH;
- ODC-5A Petition for Revocation of Acknowledgment

1 et cetera;
2 ODC-5f July 2012 Memo for New Trial;
3 R.7 DNS Report;
4 R.7A Discovery;
5 ODC-7f Jenkins's Rule to Show Cause;
6 ODC-7h Treadaway's Exception of Prescription;
7 ODC-8p District Court Judgment of 2/4/2015;
8 ODC-8j Treadaway's Brief for Appeal;
9 ODC-15e Order of Fifth Circuit denying appeal;
10 allowing writ app.;
11 R.8 (page 277) Juvenile Court Minutes 4/27/2015;
12 ODC-8m Motion to Amend a Third Time;
13 R-9 Correspondence of 5/28/2015;
14 ODC-13p Treadaway's Memo;
15 ODC-13n Motion to Return the Record;
16 R.10 Transcript of 6/15/2015 hearing in
17 Juvenile Court, excerpts;
18 ODC-13q Juvenile Court Minutes 6/15/2015;
19 R.11 Treadaway's Writ Application, filed
20 6/23/2015;
21 R.12 Louisiana Constitution Art. 5, sec. 10;
22 R.13 Uniform Rules of Louisiana - Courts of
23 Appeal, Rule 1-3;
24 R.14 Gonzales v. Xerox Corp., 320 So.2d 163,
25 165 (La. 1975);
R.15 Wooley v. Lucksinger et al., 61 So.3d 507
(La. 04/01/11) LEXIS 706;
R.16 Jenkins's Opposition brief;