

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

GIROD LOANCO, LLC

* CIVIL ACTION

versus

* NO.

REGINA HEISLER

* SECTION

***** MAGISTRATE

VERIFIED NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1446(b)(3)
AND OTHER BASES

1. Regina Heisler, individually and on behalf of the Succession of Frederick P. Heisler ("HEISLER") hereby NOTICES the removal of the state-court action previously pending in the 24th Judicial District Court for the Parish of Orleans, State of Louisiana under Docket Number 793-014, the Honorable Scott U. Schlegel ("JUDGE SCHLEGEL"), Division D, presiding ("the State-Court Action").

2. The State-Court action became removable pursuant to 28 U.S.C. § 1446(b)(3) on October July 25, 2019 when JUDGE SCHLEGEL issued an ex parte Order requiring HEISLER's attorney, Henry L. Klein ("KLEIN"), to show cause on October 29, 2019, why he should not be held in Contempt of Court for allegedly communicating with his Law Clerk, Marla Hamilton ("HAMILTON"), regarding the foreclosure he authorized under extraordinary circumstances, Exhibit A.

3. The State-Court Action also became removable on October 11, 2019, when JUDGE SCHLEGEL caused KLEIN to be served with the contempt citation at a time KLEIN was petitioning the Louisiana Supreme Court for relief, resulting in an unconstitutional "...chilling effect..." on KLEIN's ability to freely represent HEISLER in connection with the aftermath of the closure of the First NBC Bank, the resulting sale of alleged HEISLER debt to GIROD LOANCO, an undisputed Vulture Fund which purchased \$800 Million in First NBC assets which included \$600,000 +/- owed by HEISLER, bloated to over \$10 Million by criminality at First NBC Bank.

4. The gravamen of the contempt issue was the alleged communication with HAMILTON, seeking to have JUDGE SCHLEGEL consider vacating, sua sponte, the executory process writ he also issued ex parte, resulting in the foreclosure against HEISLER, who was a victim of the First NBC Bank Ponzi scheme.

5. The issuance of the Contempt Order disregarded the fact that KLEIN sent JUDGE SCHLEGEL and HAMILTON a fax on August 20, 2019, stating:

"I am not submitting hearing dates (on motions) because I believe the Court can (and should) act sua sponte and pursuant to Article 191 [of the Louisiana Code of Civil Procedure] and the United States Supreme Court precedent cited, Exhibit B.

6. By any measure, the level of disregard for the facts and law has reached unconstitutional levels violating due process, equal protection and petitioning clause principles under the 1st, 5th and 14th Amendments to the United States Constitution.

7. The seriousness of the legal issues rejected by JUDGE SCHLEGEL are being presented to the United States Supreme Court regarding Girod LoanCo and Regina Heisler on the same bases HEISLER will present here, Exhibit C.

8. Because JUDGE SCHEGEL disregarded HEISLER's pleas for equal protection and fundamental due process, on October 9, 2019, property belonging to the Succession, valued at over \$7 million, was sold at public auction to a subsidiary of Girod LoanCo, for \$ 2,074,000.

9. Efforts to have the Louisiana State Supreme Court issue a stay were unsuccessful at Writ Application 19-1582, resulting in Application at Docket 19-CD-1633, Exhibit D.

10. Pursuant to Vance v. Federal National Mortgage Corporation, 235 So.3d 1263 (5th Cir. 2017), a mortgagor who has failed to enjoin the sale or did not take a suspensive appeal "...may institute and maintain a direct action on certain grounds, provided the property has not been deeded to the purchaser, where the defects strike at the foundation of the executory proceeding..."

11. Here, Girod LoanCo does not even exist as a juridical person and is a Vulture Fund recognized by law to have no right of action.

12. Related hereto, at Docket 19-13099, HEISLER has removed a different aspect of the Girod LoanCo criminality regarding \$2.1 million sought to be seized in the Civil District Court for the Parish of Orleans, incorporated by reference herein, Exhibit E.

13. HEISLER hereby removes the State Court Action to the United States District Court for the Eastern District of Louisiana, reserving rights to further plea.

Respectfully submitted,

/s/ Henry L. Klein
Henry L. Klein (7440)
844 Baronne Street
New Orleans, LA 70113
henryklein44@gmail.com

VERIFICATION

I verify and declare, under penalty of perjury, that all statements of fact are true and correct to the best of my information and belief.

/s/ Henry L. Klein

(104) RULE TO SHOW CAUSE: ; ORDER TO SHOW CAUSE WHY
ATTORNEY SHOULD NOT BE HELD IN CONTEMPT/ EXHIBIT

191007-4749-2

24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA

GIROD LOANCO LLC, CAPITAL CROSSING SERVICE
COMPANY LLC

versus
REGINA B HEISLER, SUCCESSION OF FREDERICK P
HEISLER

Case: 793-014 Div: "D"
D 1 REGINA B. HEISLER

To: HENRY L. KLEIN
844 BARONNE ST
NEW ORLEANS LA 70113
504-301-3027

BILL DOCKET \$30.00

PARISH OF JEFFERSON

You are hereby ordered to show cause on the 29th day of October, 2019 at 10:00 AM (as per attached order).

Issued by the Clerk Of Court on the 7th day of October, 2019.

/s/ Dolores G Frickey
Dolores G Frickey, Deputy Clerk of Court for
Jon A. Gegenheimer, Clerk Of Court

*** GOVERNMENT ***
SERVICE INFORMATION

(104) RULE TO SHOW CAUSE: ; ORDER TO SHOW CAUSE WHY
ATTORNEY SHOULD NOT BE HELD IN CONTEMPT/ EXHIBIT

191007-4749-2

Received: _____ Served: _____ Returned: _____

Service was made:
____ Personal _____ Domiciliary _____

Unable to serve:

<input type="checkbox"/> Not at this address	<input type="checkbox"/> Numerous attempts _____ times
<input type="checkbox"/> Vacant	<input type="checkbox"/> Received too late to serve
<input type="checkbox"/> Moved	<input type="checkbox"/> No longer works at this address
<input type="checkbox"/> No such address	<input type="checkbox"/> Need apartment / building number
<input type="checkbox"/> Other _____	

Service: \$ _____ Mileage: \$ _____ Total: \$ _____

Completed by: _____ # _____
Deputy Sheriff

Parish of: _____

PLAINTIFF'S
EXHIBIT

FILED FOR RECORD 10/07/2019 11:27:10
Kathy M. Palmer, DY CLERK
JEFFERSON PARISH, LA
D1
860

24th JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 793-014

DIVISION "D"

GIROD LOANCO, LLC

VERSUS

REGINA B. HEISLER

FILED: _____

DEPUTY CLERK

ORDER TO SHOW CAUSE WHY ATTORNEY
SHOULD NOT BE HELD IN CONTEMPT

Henry L. Klein, counsel for defendant, has faxed threatening and disrespectful correspondence to the Court's fax number and to the personal email address of the Law Clerk. (See attachments.) Additionally, he has done so *ex parte* and in an effort to influence the Court to issue a *sua sponte* ruling reversing its previous rulings of August 13, 2019 (judgment entered on August 20, 2019) and September 20, 2019 (judgment entered on September 24, 2019). The Court notes that Reasons for Judgment were issued on September 30, 2019. Accordingly,

IT IS ORDERED that Henry L. Klein appear in open court on October 29, 2019 at 10:00 a.m. and show cause why he should not be held in contempt of court under La.C.Civ.P. art. 222(1) and (3).

Gretna, Louisiana, this 7 day of October, 2019.


JUDGE SCOTT U. SCHLEGEL

PLEASE SERVE:

Henry L. Klein
844 Baronne St.
New Orleans, LA 70163
504-301-3027

PLEASE NOTIFY BY MAIL:

Henry L. Klein
844 Baronne St.
New Orleans, LA 70163
504-301-3027

J. Eric Lockridge
Kean Miller, LLP
400 Convention Street, Suite 700
Baton Rouge, LA 70802

Jill A. Gautreaux
Kean Miller, LLP
First Bank and Trust Tower
909 Poydras St., Suite 3600
New Orleans, LA 70112



JON A. GOURNIER

Hamilton, Marla

From: Marla <marlahamilton22@gmail.com>
Sent: Monday, October 07, 2019 9:48 AM
To: Hamilton, Marla
Subject: Fwd: Blessed are the peacemakers, for they will be called children of God.
Attachments: 20191002_164428.pdf

----- Forwarded message -----

From: Henry Klein <henryklein44@gmail.com>
Date: Wed, Oct 2, 2019 at 5:30 PM
Subject: Blessed are the peacemakers, for they will be called children of God.
To: <marlahamilton22@gmail.com>

LAST TRY AT AN OLIVE BRANCH

Henry

1
P 5 8



Henry Klein <henryklein44@gmail.com>

Blessed are the peacemakers, for they will be called children of God.

1 message

Henry Klein <henryklein44@gmail.com>
To: marlhamilton22@gmail.com

Wed, Oct 2, 2019 at 5:30 PM

LAST TRY AT AN OLIVE BRANCH

Henry

 20191002_164428.pdf
986K

Marla:

I sent this to your email and fax because time is of the essence and I can't get a word
In Edgewise with your Boss.

And it doesn't look like he has read anything I wrote.

My client is distraught and has written a letter I don't want her to send.

Blessed are the peacemakers, for they will be called children of God.

THIS IS ALSO MY LAST TRY AT AN OLIVE BRANCH.

Mrs. Heisler loses her first property October 9. Then November.

All her savings go to the Cayman Islands to be split with Vulture Fund criminals.

Entre Nous (a French expression for people who can communicate in comfort),

I sensed that Judge Schlegel disrespected me, but not the law.

Notably, when Judge Schlegel was (about) 2 or 3, I was winning my first case before
the United States Supreme Court.

I am attaching the MOML (The Making of Modern Law) version printed by the
Supreme Court and sold by Amazon (without paying me a royalty).

Why can't Judge Schlegel, *sua sponte*, vacate the writ?

Right now, he has sided with the Vultures.

And my clients did nothing wrong.

Thank you for being patient with me.

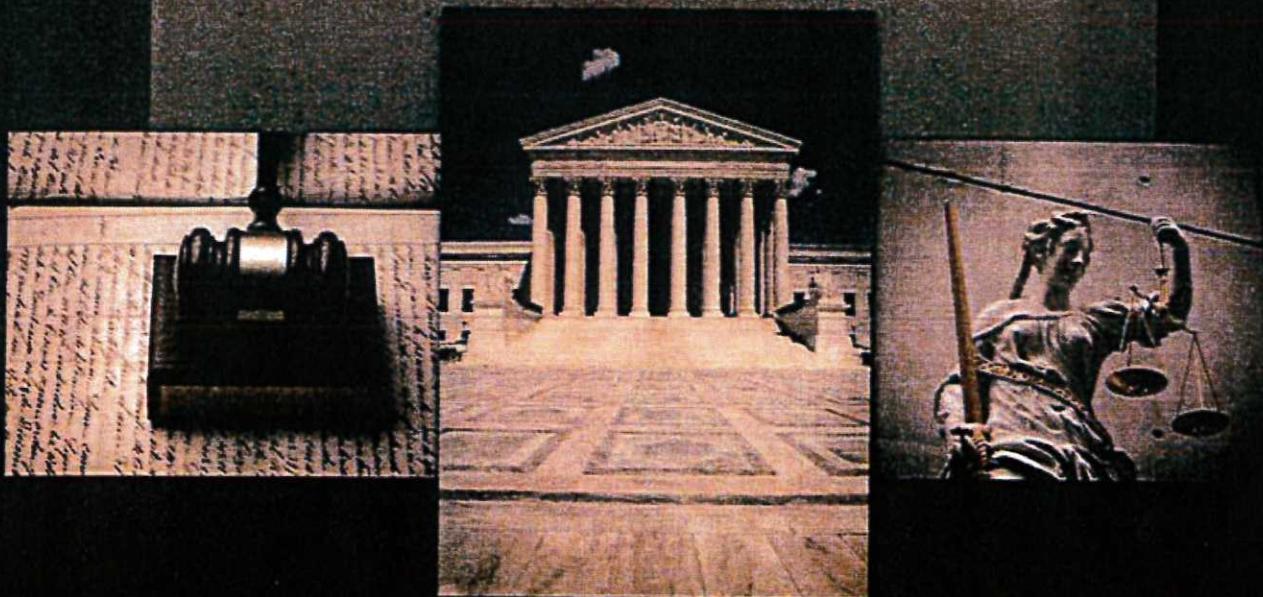
I have not filed either of the Notices and would be agreeable to sealing the record.

What I ask is consistent with the Constitution Judge Schlegel says he will protect and
He will be exposing criminals as criminals. Girod LoanCo doesn't even exist.

Henry Klein

William J. Warner, Jr., et al.
Etc., Petitioners, v. Board of
Trustees of the Police Pension
Fund of the City of New
Orleans, et al. U.S. Supreme
Court Transcript of Record
with Supporting Pleadings

HENRY L KLEIN



MOML

The Making of Modern Law
Print Editions

**U.S. SUPREME COURT
RECORDS AND BRIEFS, 1832-1978**

Gale MOML *Print Editions*

The *Making of Modern Law: U.S. Supreme Court Records and Briefs, 1832-1978* contains the world's most comprehensive collection of records and briefs brought before the nation's highest court by leading legal practitioners — many who later became judges and associates of the court. It includes transcripts, applications for review, motions, petitions, supplements and other official papers of the most-studied and talked-about cases, including many that resulted in landmark decisions. This collection serves the needs of students and researchers in American legal history, politics, society and government, as well as practicing attorneys.



9 781270 662358

Supreme Court of Louisiana

FOR IMMEDIATE NEWS RELEASE

NEWS RELEASE #027

FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the 26th day of June, 2019, are as follows:

PER CURIAM:

2018-C-1105 STANLEY R. PALOWSKY, III, INDIVIDUALLY, AND ON BEHALF OF
 C/W ALTERNATIVE ENVIRONMENTAL SOLUTIONS, INC. v. ALLYSON CAMPBELL, ET
2018-C-1115 AL. (Parish of Ouachita)

For the reasons assigned, the judgment of the court of appeal is reversed insofar as it dismisses plaintiff's claims against the defendant judges with prejudice. The exception of no cause of action filed by these defendants is hereby denied. In all other respects, the judgment of the court of appeal is affirmed. The case is remanded to the district court for further proceedings.

REVERSED IN PART AND REMANDED.

Retired Judge Michael Kirby appointed Justice ad hoc, sitting for Justice Clark, recused.

JOHNSON, C.J., concurs in part and dissents in part and assigns reasons.

WEIMER, J., concurs and assigns reasons.

GUIDRY, J., dissents and assigns reasons.

CRICHTON, J., dissents and assigns reasons.

KIRBY, J., concurs and assigns reasons.

06/26/19

SUPREME COURT OF LOUISIANA

No. 2018-C-1105

CONSOLIDATED WITH

No. 2018-C-1115

STANLEY R. PALOWSKY, III, INDIVIDUALLY, AND ON BEHALF
OF ALTERNATIVE ENVIRONMENTAL SOLUTIONS, INC.

VERSUS

ALLYSON CAMPBELL, ET AL.

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF OUACHITA

PER CURIAM*

Plaintiffs filed the instant suit against certain judges of the Fourth Judicial District Court as well as a law clerk employed by that court. Essentially, plaintiffs allege the law clerk “spoliated, concealed, removed, destroyed, shredded, withheld, and/or improperly ‘handled’ court documents” in earlier litigation involving plaintiffs, and that the judges either aided or concealed these actions. The judges and law clerk filed motions to strike certain allegations from plaintiff’s petition and also filed exceptions of no cause of action. The district court granted the motions to strike and granted the exceptions of no cause of action. On appeal, a divided en banc panel of the court of appeal reversed the motions to strike in part. The court also reversed the granting of the exception of no cause of action as to the law clerk, but affirmed the granting of the exception of no cause of action as to the judges, finding they were entitled to absolute judicial immunity. *Palowsky v. Campbell*, 2016-1221 (La. App. 1 Cir. 4/11/18), 249 So.3d 945. We granted and consolidated applications for certiorari filed by the law clerk and judges. *Palowsky v. Campbell*, 2018-1105 c/w 2018-C-1115 (La. 12/3/18), ___ So.3d ___.

* Retired Judge Michael Kirby appointed Justice ad hoc, sitting for Clark, J., recused.

Considering the highly unusual and specific facts of this case, the court of appeal erred in finding the judges were entitled to absolute judicial immunity. Accepting the facts as alleged in the petition as true for purposes of the exception of no cause of action, we find plaintiff's allegations regarding the judges' supervision and investigation of the law clerk's activities arise in the context of the judges' administrative functions, rather than in the course of their judicial or adjudicative capacities. In *Forrester v. White*, 484 U.S. 219, 229 (1988), the United States Supreme Court held that a judge's exercise of administrative functions, such as "supervising court employees and overseeing the efficient operation of a court—may have been quite important in providing the necessary conditions of a sound adjudicative system," but such administrative decisions "were not themselves judicial or adjudicative." Therefore, accepting the well-pleaded allegations of plaintiff's petition, absolute judicial immunity would not apply, and plaintiff is able to state a cause of action against the judges.

In reaching this conclusion, we emphasize that we express no opinion on whether plaintiff can prove these allegations. Moreover, our opinion today should not be read as undermining or eroding the strong principles of absolute judicial immunity which are firmly established in our jurisprudence. Rather, we merely hold that under the narrow and specific parameters of plaintiff's petition, plaintiff has alleged sufficient facts to state a cause of action against the judges.

Accordingly, we reverse the judgment of the court of appeal insofar as it dismissed plaintiff's claims against the judges with prejudice. In all other respects, we find no error in the court of appeal's judgment and therefore affirm the remaining portions of that judgment.

DECREE

For the reasons assigned, the judgment of the court of appeal is reversed insofar as it dismisses plaintiff's claims against the defendant judges with prejudice. The exception of no cause of action filed by these defendants is hereby denied. In all other respects, the judgment of the court of appeal is affirmed. The case is remanded to the district court for further proceedings.

06/26/19

SUPREME COURT OF LOUISIANA
No. 2018-C-1105
CONSOLIDATED WITH
No. 2018-C-1115
STANLEY R. PALOWSKY, III, INDIVIDUALLY, AND ON BEHALF
OF ALTERNATIVE ENVIRONMENTAL SOLUTIONS, INC.
VERSUS
ALLYSON CAMPBELL, ET AL.
ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF OUACHITA

JOHNSON, Chief Justice, concurs in part, dissents in part, and assigns reasons.

While I agree with the majority that the law clerk employee is not entitled to immunity, I respectfully dissent on the issue of judicial immunity. A judge has immunity from civil liability when sued for actions taken pursuant to his or her judicial authority. While this immunity is not absolute since our jurisprudence recognizes that a judge is not immune from liability for non-judicial acts, namely the administrative acts needed to operate a court, the allegations against these judges are properly classified as acts done in their judicial capacities. As such, I find the judges are not subject to civil liability for their actions, but the plaintiff would have recourse to seek review of the judges' actions in the underlying case from the court of appeal and this court, or by filing a complaint with the Judiciary Commission regarding the judges' actions.

06/26/19

SUPREME COURT OF LOUISIANA

NO. 2018-C-1105

CONSOLIDATED WITH

NO. 2018-C-1115

**STANLEY R. PALOWSKY, III, INDIVIDUALLY, AND ON BEHALF
OF ALTERNATIVE ENVIRONMENTAL SOLUTIONS, INC.**

VERSUS

ALLYSON CAMPBELL, ET AL.

*ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF OUACHITA*

WEIMER, J., concurring.

I concur with the majority's finding that neither the law clerk nor the judges at her court are immune from this lawsuit alleging the law clerk purposely destroyed and hid documents relevant to the plaintiff's prior litigation. I write separately because I find that a requirement in earlier cases for a plaintiff to plead "malice or corruption" no longer has a place in the law of judicial immunity. Instead of requiring a plaintiff to enter the murky realm of ascertaining and pleading a judge's motivation, the jurisprudence has evolved such that the function of the judge's behavior is the touchstone for immunity. If the challenged behavior stems from a judicial function, the judge is immune from suit. If the challenged behavior is outside a judicial function, immunity does not apply.

Judicial immunity has long been a jurisprudential construct in Louisiana. This court, in **Berry v. Bass**, 102 So. 76, 81 (La. 1924), reviewed the prior case law and stated that when judges "have exercised their functions in good faith, without malice

or corruption, they should not be held liable for errors of judgment.” Over the years, the significance of allegations of malice and corruption slightly changed. For example, in **Moore v. Taylor**, 541 So.2d 378, 381 (La.App. 2 Cir. 1989), the court suggested allegations of malice and corruption have their place within a two-part test: (1) the plaintiff must show the judge acted outside his judicial capacity and (2) even if the judge “has technically acted outside his jurisdiction and contrary to law, he will remain protected unless his actions were based on malice or corruption.”

While the jurisprudential doctrine of judicial immunity in Louisiana initially drew solely from our state’s cases (see, e.g. **Berry**, 102 So. at 79-81 (collecting cases)), by the time **Moore** was decided, it was recognized that “[t]he Louisiana jurisprudence on judicial immunity mirrors the federal doctrine.” **Moore**, 541 So.2d at 381. Nearly contemporaneous with **Moore**, the U.S. Supreme Court in **Forrester v. White**, 484 U.S. 219, 228-29 (1988), ruled that administrative decisions are outside the scope of judicial immunity. Furthermore, shortly after **Moore**, the United States Supreme Court grappled again with the extent of judicial immunity. See **Mireles v. Waco**, 502 U.S. 9 (1991).

In **Mireles**, the Court examined the significance of “bad faith or malice”, which is phraseology substantially the same as the requirement that had evolved in Louisiana cases to prove a judge had acted with “malice or corruption.” See **Moore**, 541 So.2d at 381. The **Mireles** Court ruled that “judicial immunity is not overcome by allegations of bad faith or malice.” **Mireles**, 502 U.S. at 11. The Court explained that “the existence of” bad faith or malice “ordinarily cannot be resolved without engaging in discovery and eventual trial.” *Id.* The Supreme Court recognized that avoiding the necessity for judges to explain their actions and decisions in discovery in all but the most narrow set of cases is a major purpose of judicial immunity. See

Id. at 11 (“Like other forms of official immunity, judicial immunity is an immunity from suit, not just from ultimate assessment of damages.”). Our own jurisprudence contains a similar recognition of the importance of freeing judges from litigation, as long ago this court ruled: “On the highest grounds of necessity and public policy judges cannot be held liable for acts done by them in their judicial capacity” and this court logically connected judges with other “executive officers of the court” who “cannot be sued for acts which they do in obedience to the orders of the court appointing them.” **Killeen v. Boland, Gschwind Co.**, 102 So. 672, 675 (La. 1924) (on reh’g).

Again recalling in modern times that our state courts have taken cues from the federal jurisprudence, I believe the time has arrived to put to words what the majority of this court now tacitly recognizes from this case: requiring a plaintiff to plead “malice or corruption” to overcome judicial immunity is an archaic requirement inconsistent with the goals of judicial immunity. Instead of requiring a plaintiff to enter the murky realm of pleading and later embarking on extensive discovery to prove a judge’s motivation, the jurisprudence has evolved such that the function of—not the motivation for—a judge’s behavior has become the touchstone for immunity. See Forrester, 484 U.S. at 227 (“immunity is justified and defined by the *functions* it protects and serves.”). On one hand, the jurisprudence dictates that if the challenged act/omission stems from a judicial function, the judge is immune from suit. On the other hand, if the challenged act/omission is outside a judicial function, immunity does not apply. See Id. (explaining “immunity is appropriate” for judicial acts, but not for “acts that simply happen to have been done by judges.”).

The Supreme Court has developed a two-factor test for determining whether an act relates to a judicial function. “[T]he factors determining whether an act by a

judge is a ‘judicial’ one relate to the nature of the act itself, *i.e.*, whether it is a function normally performed by a judge, and to the expectations of the parties, *i.e.*, whether they dealt with the judge in his judicial capacity.” *Stump v. Sparkman*, 435 U.S. 349, 362 (1978).

The allegations here are most unusual; therefore, these factors should be regarded as guideposts to assist in analysis. I find the district court’s striking from Mr. Palowsky’s petition various allegations relating to payroll fraud by the law clerk to be consistent with the *Stump* guideposts. A cause of action in favor of Mr. Palowsky for payroll fraud is simply non-existent; Mr. Palowsky alleges no harm came to him personally from the alleged payroll fraud. A cause of action for the provisions of his petition that have not been struck is extremely limited, if it exists at all. The allegations that the clerk thwarted Mr. Palowsky’s litigation by sabotaging the presentation of pleadings to judges are allegations that narrowly avoid immunity, in my view, as being outside a judicial function. Indeed, there is much to commend in my learned colleague’s dissent, which finds the connection between the clerk’s alleged misdeeds and injury to Mr. Palowsky’s other litigation is a connection that justifies judicial immunity. However, I find the allegations of misdeeds to be such that accepting them as true, as we must for present purposes, the clerk essentially severed a connection between herself and a judicial function. The alleged destruction and concealment of documents essentially would have precluded judicial work. If a court is a metaphorical temple of justice, the allegations here are essentially that the clerk’s alleged destruction and concealment of documents closed the door to one litigant, allowing only the prayers of the other litigant to reach the decision makers inside.

While the **Stump** guideposts are placed such that another case involving a law clerk could certainly be decided differently, the allegations here that the law clerk essentially precluded the trial court from engaging in some of its most basic judicial functions, like evaluating pleadings, are such that do not justify judicial immunity.

For similar reasons, I find that the district court judges are not immune from certain allegations outside their judicial function. Specifically, as identified by one of my learned colleagues on the appellate court, “the alleged failure to ‘supervise’ [the law clerk] in this context is more akin to an administrative responsibility.”

Palowsky v. Campbell, 16-1221, p. 2 (La.App. 1 Cir. 4/11/18), 249 So.3d 945, 984 (Crain, J., agreeing in part and dissenting in part). Also, and with the caveat that all allegations must be accepted as true for purposes of evaluating an exception of no cause of action, the petition contains allegations that the judges essentially conspired to cover up the law clerk’s destruction of public records, which facilitated the records not being considered. These allegations “arguably satisfy the essential elements of a crime, namely injuring public records, then concealing it.” See La. R.S. 14:132; see also La. R.S. 14:25. The doctrine of judicial immunity does not shield judicial actors from civil liability for criminal acts committed outside the judicial function. See **Mireles**, 502 U.S. at 9-10 n.1.

To my learned colleague’s observations, I add the following. Daily, judges, often assisted by law clerks, address issues from litigants who perceive they have been wronged, have actually been wronged, have been accused of wrongs, or have actually committed wrongs. The judicial system tasks judges, often aided by law clerks, with resolving these matters and making the right decisions. This goal is often elusive, given the many competing considerations that must be balanced on the scales of justice. In order to function, the judicial system must shield judges and law clerks

from being targeted with monetary liability for their actions within their judicial duties by those who are dissatisfied with a decision. See Forrester, 484 U.S. at 225 (citing **Bradley v. Fisher**, 13 Wall. 335, 348 (1872)) (“judicial immunity ... protect[s] judicial independence by insulating judges from vexatious actions prosecuted by disgruntled litigants.”). While monetary liability is excluded for the exercise of judicial functions, the judicial system provides litigants other safeguards, such as appellate review for what may be regarded as errors or “mistakes,” or a referral to the disciplinary systems for judges and attorneys who commit misconduct. See Forrester, 484 U.S. at 227; see also La. Const. art. V, § 25(C); La. Sup. Ct. Rule XIX. Thus, judges and law clerks are not above the law, but are rightfully accountable within the civil justice system-just as any other person-when acting outside their judicial function.

Consistent with these principles, I would find that the plaintiff has pleaded a cause of action against the judges with particularity. Just as fraud must be pleaded with particularity “for ... exceptional cases where the full circumstances are needed to afford adequate notice to the opposing litigant,” (Revision Comment to La. C.C.P. art. 856), in order to demonstrate why the civil justice system should be employed against a judge or law clerk, the particularity requirement must apply. As this case demonstrates by the recusal of an entire circuit court, it is no routine matter for the civil justice system to adjudicate monetary claims against its judges or law clerks. Therefore, the particularity requirement rightly imposes a responsibility on a claimant to facially justify whatever extraordinary measures may be necessary. Relatedly, La. C.C.P. art. 863 imposes protections, in the form of sanctions, against a claimant submitting spurious pleadings.

It must be well-noted that the allegations in this case are just that, allegations. By law, no evidence may be introduced when evaluating an exception of no cause of action. See La. C.C.P. art. 931 (“No evidence may be introduced at any time to support or controvert the objection that the petition fails to state a cause of action.”). Therefore, we are required by law to accept these allegations as true at this preliminary stage of the proceeding. See **City of New Orleans v. Bd. of Comm’rs of Orleans Levee Dist.**, 93-0690, p. 28 (La. 7/5/94); 640 So.2d 237, 253 (“In deciding the exception of no cause of action, the court must presume all factual allegations of the petition to be true and all reasonable inferences are made in favor of the non-moving party.”). Proof, however, of these allegations is a far different matter, and the party making the allegations will not benefit from any presumption of truth. Rather, the party making the allegations will bear the burden of proving the allegations are true as this matter proceeds.

SUPREME COURT OF LOUISIANA

No. 2018-C-1105

CONSOLIDATED WITH

No. 2018-C-1115

STANLEY R. PALOWSKY, III, INDIVIDUALLY, AND ON BEHALF
OF ALTERNATIVE ENVIRONMENTAL SOLUTIONS, INC.

VERSUS

ALLYSON CAMPBELL, ET AL.

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF OUACHITA

Guidry, J., dissents and assigns reasons.

I respectfully dissent from the court's per curiam opinion holding that the alleged actions and omissions of the defendant judges and law clerk are administrative rather than judicial and finding that neither the judges nor the law clerk are entitled to judicial immunity. Despite numerous allegations contained in Mr. Palowsky's petition and amended petition filed in the present action, Mr. Palowsky has legal standing to pursue only the claims against these defendants that relate to their actions and/or inactions in the separate *Palowsky v. Cork* case. Because those alleged actions/inactions relate to another case pending before the court, they are decidedly judicial in nature. As such, these defendants are entitled to judicial immunity from civil liability.

BACKGROUND

Plaintiff, Stanley Palowsky, is also the plaintiff in a separate case pending before the Fourth Judicial District Court, *Palowsky v. Cork*, No. 13-2059 ("Cork"),

in which Mr. Palowsky is suing his business partner.¹ Palowsky's present lawsuit asserts claims for damages as a result of Fourth Judicial District Court law clerk Allyson Campbell's alleged destruction of documents in the *Cork* case. The original petition alleged that Campbell:

maliciously and intentionally harmed Palowsky and willfully violated his constitutionally protected rights to both due process and access to courts [when] she spoliated, concealed, removed, destroyed, shredded, withheld, and/or improperly 'handled' court documents such as memoranda of law, orders, pleadings, sealed court documents, and chamber copies of pleadings filed with the clerk and hand-delivered to the judge's office.

Palowsky further alleged Campbell "maliciously withheld and concealed documents and pleadings in the trial court as well as from the record that was sent to the Second Circuit Court of Appeal" and that her actions amount to fraud, abuse of process, and a violation of La. R.S. 14:132 (the criminal statute addressing the destruction or alteration of public records), as well as intentional infliction of emotional distress.²

In a supplemental and amended petition, Palowsky named as additional defendants Chief Judge H. Stephens Winters and Judges Carl Sharp, Benjamin Jones, J. Wilson Rambo, and Frederic Amman, asserting that the judges were involved in an investigation into a criminal complaint against the Court for payroll fraud involving Campbell. The amended petition states that "Defendant Judges all owe an administrative duty to properly audit, investigate, and report suspected payroll fraud;" that the judges "actively schemed to cover up same;" and that the judges failed to supervise the law clerk. Mr. Palowsky further alleged that Judges

¹ In the original Petition for Damages filed in the present case, Mr. Palowsky explains that he appears both individually and as a 50% shareholder and director of Alternative Environmental Solutions, Inc. ("AESI"). AESI is also named a "nominal defendant" in this case, but Mr. Palowsky states that "it would be a vain and useless act for him to demand that AESI bring the present action as the other 50-percent shareholder of AESI is W. Brandon Cork, who ... has been sued by Palowsky in a related action."

² Mr. Palowsky also alleged Ms. Campbell had a history of payroll fraud, as she was repeatedly absent from work and posted several pictures on Facebook indicating she did her job in restaurants or bars, often while drinking alcohol; that she had a history of destroying documents in other litigants' cases; and that 52 writ applications, which had been missing for more than a year, were discovered in Ms. Campbell's office, but she was never reprimanded.

Amman, Sharp, and Rambo committed payroll fraud in certifying her timesheets and records for payroll and in covering up the scheme, and that they violated multiple Canons of the Code of Judicial Conduct. As a result, Mr. Palowsky claims he is entitled to be compensated for any and all damages that he and his company have suffered.

Ms. Campbell and defendant judges filed separate exceptions of no cause of action. The trial court granted Ms. Campbell's and the judges' exceptions, agreeing that Mr. Palowsky's claims for civil damages were barred by the doctrine of absolute judicial immunity.

Mr. Palowsky appealed. A majority of the First Circuit,³ *en banc*, upheld the trial court's ruling as to the defendant judges but reversed the trial court's ruling as to the law clerk, finding that she was not entitled to judicial immunity and overruling her exception of no cause of action.

Mr. Palowsky and Ms. Campbell filed writ applications in this court seeking review of the court of appeal's ruling. This court granted both writ applications and heard oral argument to determine whether the doctrine of judicial immunity applies to bar Mr. Palowsky's claims against Ms. Campbell and/or the defendant judges.

APPLICABLE LAW

Judicial Immunity

The United States Supreme Court consistently has recognized a judge's absolute immunity from civil liability when he or she is sued for actions taken pursuant to his or her judicial power and authority. "Few doctrines were more solidly established at common law than the immunity of judges from liability for damages for acts committed within their judicial jurisdiction." *Pierson v. Ray*, 386 U.S. 547, 553-54, 87 S.Ct. 1213, 18 L.Ed.2d 288 (1967) (citing *Bradley v. Fisher*, 13 Wall.

³ Ordinarily this matter would have been appealed to the Second Circuit Court of Appeal, but the judges of the Second Circuit recused themselves. This Court transferred Mr. Palowsky's appeal to the First Circuit Court of Appeal for review.

335, 20 L.Ed. 646 (1872)). Two exceptions exist when applying the doctrine of judicial immunity, however:

First, a judge is not immune from liability for nonjudicial actions, *i.e.*, actions not taken in the judge's judicial capacity. *Forrester v. White*, 484 U.S., at 227-229, 108 S.Ct., at 544-545; *Stump v. Sparkman*, 435 U.S., at 360, 98 S.Ct., at 1106. Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction. *Id.*, at 356-357, 98 S.Ct., at 1104-1105; *Bradley v. Fisher*, 13 Wall., at 351.

Mireles v. Waco, 502 U.S. 9, 11-12, 112 S.Ct. 206, 116 L.Ed.2d 9 (1991). More succinctly, administrative decisions, even those necessary for the functioning of the court, have not been regarded as judicial acts. *Forrester*, 484 U.S. at 228.

On the other hand, when judicial acts performed within a judge's jurisdiction are committed "with malice," courts have granted immunity. The Supreme Court in *Pierson* stated:

This immunity applies even when the judge is accused of acting maliciously and corruptly, and it 'is not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public, whose interest it is that the judges should be at liberty to exercise their functions with independence and without fear of consequences.'

[Citations omitted.]

386 U.S. at 554. *See also Mitchell v. McBryde*, 944 F.2d 229, 230 (5th Cir. 1991); *Dellenbach v. Letsinger*, 889 F.2d 755, 759 (7th Cir. 1989); *Harlow v. Fitzgerald*, 457 U.S. 800, 815-19, 102 S.Ct. 2727, 2736-39, 73 L.Ed.2d 396 (1982) (allegations of malice are insufficient to overcome qualified immunity).

Louisiana has likewise recognized that judges acting within the scope of their subject matter jurisdiction cannot be held liable for acts done in their judicial capacities. *Killeen v. Boland, Gschwind Co.*, 157 La. 566, 574, 102 So. 672 (1924); *see also Knapper v. Connick*, 96-0434, p. 5 (La. 10/15/96), 671 So.2d 944, 947 ("[W]e have harmonized our own state immunity rules with federal immunity principles in the past."). To that end, this court has defined the broad nature of

absolute judicial immunity as attaching “to *all acts* within a judge’s jurisdiction, even if those acts can be shown to have been performed with malice, in order to insure that all judges will be free to fulfill their responsibilities without the threat of civil prosecution by disgruntled litigants.” *Knapper*, 681 So.2d at 946 (emphasis added). “[I]f only the particular act in question were to be scrutinized, then any mistake of a judge in excess of his authority would become a ‘nonjudicial’ act, because an improper or erroneous act cannot be said to be normally performed by a judge. If judicial immunity means anything, it means that a judge ‘will not be deprived of immunity because the action he took was in error … or was in excess of his authority.’ ” *Mireles*, 502 U.S. at 12-13 (quoting *Stump v. Sparkman*, 435 U.S. 349, 362, 98 S.Ct. 1099, 1108, 55 L.Ed.2d 331 (1978)).

Absolute immunity is not limited strictly to judges, however. “The concern for the integrity of the judicial process underlying the absolute immunity of judges also is reflected in the extension of absolute immunity to ‘certain others who perform functions closely associated with the judicial process.’ ” *Oliva v. Heller*, 839 F.2d 37, 39 (2nd Cir. 1988) (quoting *Cleavinger v. Saxner*, 474 U.S. 193, 200, 106 S.Ct. 496, 500, 88 L.Ed.2d 507 (1985)). To determine who is covered by an extension of judicial immunity, the Supreme Court follows a functional approach, looking not to the title of the person performing the action but to the nature of the responsibilities being performed. *Oliva*, 839 F.2d at 39.

Courts have recognized absolute immunity on behalf of a law clerk when the law clerk’s actions are substantially intertwined with those of a judge who is acting in a judicial capacity and with proper jurisdiction. The *Oliva* court, affirming the district court’s finding of judicial immunity for both the law clerk and the judge, agreed that the duties of a law clerk are closely intertwined with the work of the judge:

[T]he work of judges' law clerks is entirely [judicial in nature]. Law clerks are closely connected with the court's decision-making process. Law clerks are "sounding boards for tentative opinions and legal researchers who seek the authorities that affect decisions. Clerks are privy to the judge's thoughts in a way that neither parties to the lawsuit nor his most intimate family members may be." *Hall v. Small Business Administration*, 695 F.2d 175, 179 (5th Cir. 1983). Moreover, the work done by law clerks is supervised, approved, and adopted by the judges who initially authorized it. A judicial opinion is not that of the law clerk, but of the judge. Law clerks are simply extensions of the judges at whose pleasure they serve.

Oliva, 839 F.2d at 40 (quoting *Oliva v. Heller*, 670 F.Supp. 523, 526 (S.D.N.Y. 1988)).

In *Mitchell v. McBryde*, 944 F.2d at 230, the Fifth Circuit Court of Appeals found absolute judicial immunity from a suit alleging a judge had maliciously conspired with his law clerk to set aside a default judgment that plaintiffs had obtained in a prior lawsuit. Citing *Oliva*, *supra*, the *Mitchell* court agreed that judicial immunity, as applied to the judge, extended to the law clerk as well. *See also Little v. Hammond*, 774 Fed.Appx. 748, 750 (3rd Cir. 2018) (judge and law clerk both entitled to judicial immunity from litigant's 1983 action alleging conspiracy related to his criminal and child custody proceedings); *Jackson v. Houck*, 181 Fed.Appx. 372, 373 (4th Cir. 2006) (affirming district court's dismissal of plaintiff's suit after finding judge and law clerk were entitled to absolute judicial immunity from civil rights suit); *Bradley v. U.S.*, 84 Fed.Appx. 492, 493 (6th Cir. 2003) (judges, law clerk, and court clerk were entitled to judicial immunity in prisoner's civil rights suit alleging they violated his right of access to courts, as they were acting "in their judicial and quasi-judicial duties").

No Cause of Action and Standing

The peremptory exception of no cause of action is designed to test the legal sufficiency of a petition by determining whether a party is afforded a remedy in law based on the facts alleged in the pleading. La. C.C.P. arts. 681 and 927; *Foti v.*

Holliday, 09-0093, p.5 (La. 10/30/09), 27 So.3d 813, 817. All well-pleaded allegations of fact are accepted as true, and all doubts are resolved in favor of sufficiency of the petition. La. C.C.P. art. 865; *Kuebler v. Martin*, 578 So.2d 113, 114 (La.1991). The burden of demonstrating that a petition fails to state a cause of action is upon the mover. *Ramey v. DeCaire*, 03-1299, p. 7 (La.3/19/04), 869 So.2d 114, 119.

The sufficiency of a petition subject to an exception of no cause of action is a question of law. *Fink v. Bryant*, 01-0987, p. 4 (La.11/28/01), 801 So.2d 346, 349. A *de novo* standard is applied to the review of legal questions, wherein this court renders a judgment based on the record without deference to the legal conclusions of the lower courts. *Cleco Evangeline, LLC v. Louisiana Tax Comm'n*, 01-2162, p. 3 (La.4/3/02), 813 So.2d 351, 353.

A trial or appellate court may raise issues of standing on its own motion. La. C.C.P. art. 927 B; *Turner v. Busby*, 03-3444, p. 4 (La. 9/9/04), 883 So.2d 412, 415-16. “The predicate requirement of standing is satisfied if [the litigant] has an interest at stake in litigation which can be legally protected.” *In re: Melancon*, 05-1702, p. 9 (La. 7/10/06), 935 So.2d 661, 668. “The standing inquiry requires careful examination of whether a particular litigant is entitled to an adjudication of the particular claim it has asserted.” *In re Matter Under Investigation*, 07-1853, p. 10 (La. 7/1/09), 15 So.3d 972, 981 (citing *Melancon*, 935 So.2d at 668). When the facts alleged provide a remedy to someone, but the litigant who seeks relief is not the person in whose favor the law extends the remedy, that litigant is without standing. *Melancon*, 935 So.2d at 668.

ANALYSIS

Mr. Palowsky alleged that the law clerk “spoliated, concealed, removed, destroyed, shredded, withheld, and/or improperly ‘handled’ court documents” in the *Cork* litigation and that the judges covered up these actions. Although his petition

includes additional allegations unrelated to *Cork*, Mr. Palowsky has standing in the present case only with regard to the allegations related to the *Cork* litigation. Stated differently, he has no standing to assert claims against these defendants for alleged payroll fraud, nor for any other claims separate from the *Cork* litigation, because he cannot demonstrate that he has a particular interest outside of the *Cork* litigation. “A plaintiff must have a real and actual interest in the action he asserts, LSA-C.C.P. art. 681. Without a showing of some special interest … separate and distinct from the interest of the public at large, plaintiff will not be permitted to proceed.” *League of Women Voters v. City of New Orleans*, 381 So.2d 441, 447 (La. 1980).

The claims against the law clerk and judges for which Mr. Palowsky has standing arise from his alleged damages sustained from their handling of the *Cork* litigation. The very allegations that he asserts against the law clerk—destruction of court filings—arise as a result of the judicial functions being performed in conjunction with that lawsuit. Mr. Palowsky’s additional allegations, such as payroll fraud, are concerns of the public at large but do not state a claim that is particular to Mr. Palowsky.

The majority’s determination that the law clerk’s actions in a case assigned to the law clerk’s judge are “administrative” ignores the broad scope of judicial immunity and creates a slippery slope by which courts will have to parse every action or inaction in the cases assigned to them to determine whether such action (or inaction) is judicial, administrative, or something else. “[T]he opening of any inroads weakening judicial immunity could have the gravest consequences to our system of justice.” *McAlester v. Brown*, 49 F.2d 1280, 1283 (5th Cir. 1972).

Similarly, to the extent Mr. Palowsky has standing to assert allegations that the judges failed to supervise the law clerk, the alleged lack of supervision falls within the judges’ judicial capacity. It is not necessary to determine whether the additional allegations of misconduct asserted against these defendants, but unrelated

to *Cork*, are judicial or administrative, as Mr. Palowsky has no standing to pursue these claims.

Furthermore, I find the present facts distinguishable from the facts in *Forrester*, a case in which the U.S. Supreme Court held that a judge who allegedly demoted a probation officer on the basis of her sex was not entitled to judicial immunity, as the judge was acting in an administrative capacity rather than a judicial capacity. 484 U.S. at 229. In stark contrast to the employment claim asserted in *Forrester*, the claims for which Mr. Palowsky has standing are grounded in the defendants' judicial functions.

My views regarding the broad scope of judicial immunity and its application to these facts in no way indicates that I wish to turn a blind eye to Mr. Palowsky's allegations. Every litigant in any court of law is entitled to justice dispensed by a fair and impartial judiciary. If these defendants failed Mr. Palowsky in that regard, they may be subjected to other discipline, including potential criminal charges for destruction of public records. But I cannot say that the allegations for which Mr. Palowsky has standing, as ill-considered and distasteful as they may be, justify the erosion of judicial immunity, which has been recognized by state and federal courts for more than a century.

Accordingly, I would reverse the portion of the court of appeal's decision that overruled Ms. Campbell's exception of no cause of action based on judicial immunity and affirm the court of appeal's ruling sustaining the judges' exception of no cause of action. Under these facts, these defendants are absolutely immune from suit.

06/26/19

SUPREME COURT OF LOUISIANA

No. 2018-C-1105

CONSOLIDATED WITH

No. 2018-C-1115

**STANLEY R. PALOWSKY, III, INDIVIDUALLY, AND ON BEHALF
OF ALTERNATIVE ENVIRONMENTAL SOLUTIONS, INC.**

VERSUS

ALLYSON CAMPBELL, ET AL.

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF OUACHITA**

Crichton, J., dissents and assigns reasons.

I agree with the majority's conclusion that the alleged actions at issue are outrageous. However, in my view, the per curiam conflicts with the established principle of judicial immunity, which is based in over 150 years of federal and state jurisprudence and is foundational to the rule of law. It also risks eroding the independence of the judiciary and could adversely affect the public interest, including the paramount interest of protection of the public and the impartial administration of justice. *See, e.g., Knapper v. Connick*, 96-0434, p.3 (La. 10/15/96), 681 So. 2d 944, 946 ("Absolute immunity attaches to all acts within a judge's jurisdiction, even if those acts can be shown to have been performed with malice, in order to insure that all judges will be free to fulfill their responsibilities without the threat of civil prosecution by disgruntled litigants."); *Pierson v. Ray*, 386 U.S. 547, 554 (1967) ("[A judge] should not have to fear that unsatisfied litigants may hound him with litigation charging malice or corruption. Imposing such a burden on judges would contribute not to principled and fearless decision-making but to

intimidation.”); *Bradley v. Fisher*, 80 U.S. 335, 347 (1871) (explaining that the public is “deeply invested” in the principle of judicial immunity, “which indeed exists for their benefit, and was established in order to secure the independence of the judges, and prevent them being harassed by vexatious actions”).¹ I therefore dissent, for the reasons assigned by Justice Guidry.

I write separately from Justice Guidry solely to note that judicial immunity is absolutely not a “get out of jail free” card for any of the parties herein, nor should this dissent be construed to condone the disturbing allegations against the rogue law clerk and the judges. Proper application of the immunity doctrine here would immunize the clerk and judges only from *civil liability*, *i.e.*, payment of monetary damages to the plaintiffs, and leaves open other remedies against them. In addition to losing her job, assuming, *arguendo*, that the relevant time limitations for prosecution have not elapsed, the law clerk’s actions may meet the elements of a violation of criminal law, the consequences of which could include a fine and/or imprisonment for a felony crime. *See* R.S. 14:132 (Injuring Public Records). The judges could also be subject to prosecution for their role in this sordid affair. *See* R.S. 14:25 (Accessory After the Fact). Additionally, the judges may be subject to discipline by the appropriate authorities for violation of the judicial canons, which could include suspension without pay or even removal from office. *See, e.g.*, Canons 2, 3. And, of course, they may face consequences at the ballot box. *See Randall v. Brigham*, 74 U.S. 523 (1868) (“If faithless, if corrupt, if dishonest, if partial, if oppressive or arbitrary, they may be called to account by impeachment, and removed

¹ Indeed, in my view, it can be no other way. Judicial immunity is “immunity from suit, not just from ultimate assessment of damages.” *Mireles v. Waco*, 502 U.S. 9, 11 (1991). This immunity therefore prevents judges from being hauled into court as defendants, which could subject the entirety of their decision-making processes to virtually unlimited discovery. *See Rehberg v. Paulk*, 566 U.S. 356, 370 (“Judges, on mere allegations of conspiracy or prior agreement, could be hauled into court and made to defend their judicial acts, the precise result judicial immunity was designed to avoid.”) (quoting *Dykes v. Hosemann*, 776 F.2d 942, 946 (11th Cir. 1985)).

from office. . . . But responsible they are not to private parties in civil actions for their judicial acts, however injurious may be those acts, and however much they may deserve condemnation. . . ."); *Bradley v. Fisher*, 80 U.S. 335, 354 (1871) ("[F]or malice or corruption in their action whilst exercising their judicial functions within the general scope of their jurisdiction, the judges of these courts can only be reached by public prosecution in the form of impeachment, or in such other form as may be specially prescribed.").

The defendants may therefore still face significant repercussions for their disgraceful conduct. However, in my view, those repercussions cannot include civil liability. In finding otherwise, I believe the per curiam is an aberration that could result in the erosion of the principle of immunity, which is intended to protect the public interest and the independence of the judiciary.

12 So 31036 (2009)

SUPREME COURT OF LOUISIANA

No. 2018-C-1105

CONSOLIDATED WITH

No. 2018-C-1115

**STANLEY R. PALOWSKY, III, INDIVIDUALLY, AND ON BEHALF
OF ALTERNATIVE ENVIRONMENTAL SOLUTIONS, INC.**

VERSUS

ALLYSON CAMPBELL, ET AL.

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF OUACHITA**

Kirby, J., ad hoc, concurs and assigns reasons.

I fully concur with the rationale and holding of the majority per curiam. As stated therein, at this stage of these proceedings, this result is required by the decision of the United States Supreme Court in *Forrester v. White* 484 U.S. 219, 108 S.Ct. 538, 98 L.Ed.2d 555 (1988). In her opinion for a unanimous court, Justice O'Connor recognized the inherent difficulty in distinguishing between "truly judicial acts" entitled to immunity and those "that simply happen to have been done by judges" for which immunity is not appropriate. The vexation comes from the fact, also noted by Justice O'Connor, that the court has never precisely defined the acts entitled to judicial immunity, deferring instead to a "functional" analysis where the nature of the function performed, not the identity of the actor, governs the immunity analysis.

The Supreme Court of the State of Louisiana

**THE SUCCESSION OF FREDERICK P.
HEISLER AND REGINA B. HEISLER,
INDIVIDUALLY AND AS THE EXECUTRIX OF
THE SUCCESSION OF FREDERICK P.
HEISLER**

No.2020-CC-00643

VS.

GIROD LOANCO, LLC

IN RE: Regina B. Heisler, individually and as Succession Representative/Executrix of the Succession of Frederick P. Heisler - Applicant Plaintiff; Applying For Supervisory Writ, Parish of Orleans Civil, Orleans Civil District Court Number(s) 2007-3249, Court of Appeal, Fourth Circuit, Number(s) 2020-C-0074;

January 20, 2021

Writ application denied.

WJC

JLW

JDH

SJC

JTG

JBM

PDG

The Supreme Court of the State of Louisiana

**REGINA B. HEISLER, INDIVIDUALLY AND AS
SUCCESSION REPRESENTATIVE
/EXECUTRIX OF THE SUCCESSION OF
FREDERICK P. HEISLER**

No.2020-CC-01130

VS.

GIROD LOANCO, LLC

IN RE: Regina B. Heisler, Individually and as Succession Representative/Executrix of the Succession of Frederick P. Heisler - Applicant Plaintiff; Applying For Supervisory Writ, Parish of Jefferson, 24th Judicial District Court Number(s) 793-014, Court of Appeal, Fifth Circuit, Number(s) 20-C-236;

January 20, 2021

Writ application denied.

WJC

JLW

JDH

SJC

JTG

JBM

PDG

The Supreme Court of the State of Louisiana

**REGINA B. HEISLER, INDIVIDUALLY AND AS
SUCCESSION REPRESENTATIVE
/EXECUTRIX OF THE SUCCESSION OF
FREDERICK P. HEISLER**

No.2020-CC-01324

VS.

GIROD LOANCO, LLC

IN RE: Regina B. Heisler, Individually and a Succession Representative/Executrix of the Succession of Frederick P. Heisler - Applicant Plaintiff; Henry L. Klein - Applicant Other; Applying For Supervisory Writ, Parish of Orleans Civil, Orleans Civil District Court Number(s) 2007-3249, Court of Appeal, Fourth Circuit, Number(s) 2020-C-0461;

January 20, 2021

Writ application denied.

WJC

JLW

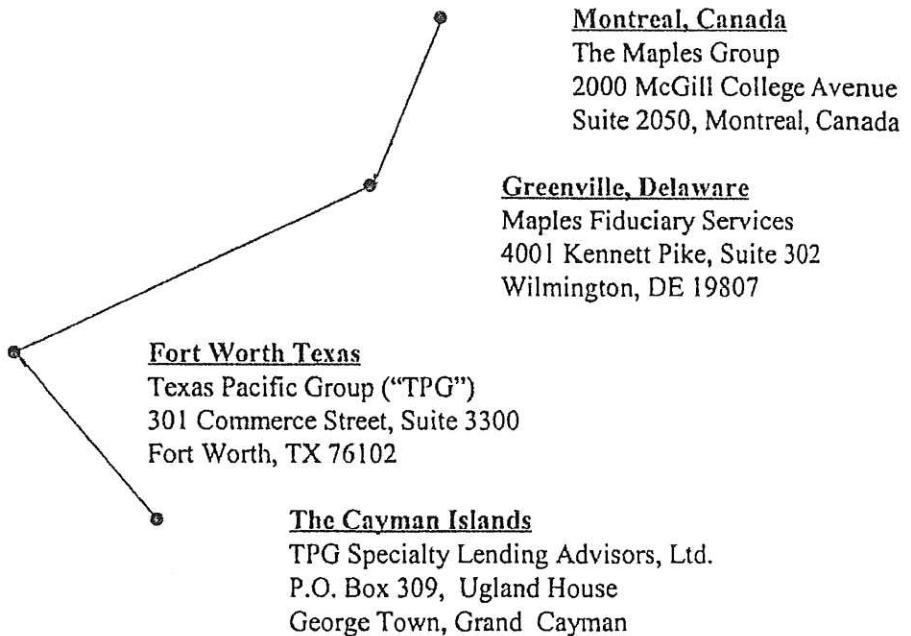
JDH

SJC

JTG

JBM

PDG



At ETLOGIC, Legal Entity Identifier Search, we traced Girod from 301 Commerce Street in Fort Worth, Texas to the Ugland House in the Caymans. Girod is a fraud Judge Schlegel is favoring over a citizen of this state who has been victimized by a vulture fund, described as follows by its alleged vice president:

Girod is wholly-owned by a limited liability company that is in turn owned by three other limited liability companies. One of the members of the three limited liability companies is a limited partnership formed under the laws of the State of Delaware (the "DE LP"). To Girod's knowledge, one of the limited partners of the DE LP is a limited liability company formed under the laws of the State of Louisiana (the "LA LLC"), the members of the LA LLC are inter vivos trusts incorporated under the Louisiana Trust Code (the "Trusts") and the settlors, trustees and beneficiaries of the Trusts are individuals who reside in Louisiana.

This is known as a "...silo structure..." prohibited from bidding on failed banks. But because Judge Schlegel won't read Regina Heisler's pleadings, the "...fraud upon the court..." has gone undetected in Division D and will be ignored by a judge clearly compromised.



Department of Justice

United States Attorney's Office

Eastern District of Louisiana

FOR IMMEDIATE RELEASE
WEDNESDAY, AUGUST 26, 2020
WWW.USDOJ.GOV/USAO/LAE
TWITTER: @EDLANEWS

CONTACT: SHANE JONES
PHONE: (504) 680-3111
FAX: (504) 589-4978

DEVELOPER ADMITS TO WORKING WITH BANK EXECUTIVES TO DEFRAUD FIRST NBC BANK OUT OF OVER \$123 MILLION

NEW ORLEANS – The United States Attorney's Office announced that **GARY R. GIBBS** (“**GIBBS**”), age 66, a resident of Niceville, Florida, pled guilty today to conspiracy to defraud First NBC Bank, the New Orleans-based bank that failed in April 2017.

According to court documents, from in or around 2010 through April 2017, **GIBBS** had a banking relationship with First NBC Bank, individually and through various corporate entities he controlled. During that time, **GIBBS** and his entities were regularly unable to pay existing loans or overdrafts on First NBC Bank accounts. Bank President Ashton Ryan Jr., Chief Credit Officer William Burnell, and Executive Vice President Robert Calloway, who were all charged on July 10 in a 46-count indictment, disguised **GIBBS**’s and his entities’ true financial condition by making new loans to pay **GIBBS**’s existing loans and to cover his overdrafts. They falsely stated in loan documents that **GIBBS** was able to pay his loans with cash generated by his businesses, and they hid from the First NBC Bank Board of Directors, auditors, and examiners that **GIBBS** was only making his existing loan payments by getting new loans from First NBC Bank. Ryan, Burnell, and Calloway hid the fact that they actually made loans to **GIBBS** to keep him and his entities off of month-end reports to the Board, auditors, and examiners. These month-end reports listed borrowers who were not paying their loans or whose accounts were overdrawn. By keeping **GIBBS** and his entities off of those reports, Ryan, Burnell, and Calloway were able to hide their scheme to keep lending to **GIBBS** despite his inability to pay his loans.

When **GIBBS** told Ryan and Calloway that he was considering filing bankruptcy or not paying his loans, Ryan told **GIBBS** that First NBC Bank could not afford for **GIBBS** to default on the loans. After that, Ryan, Burnell, and Calloway continued to make false statements and material omissions in loan documents to hide from the Board, auditors, and examiners that the purpose of the new loans was to keep **GIBBS** and his entities from defaulting and that, in reality, **GIBBS** was not able to make his payments to the bank without receiving proceeds from new loans. Neither Ryan nor Calloway ever disclosed to the Board, auditors, or examiners that **GIBBS** was considering defaulting on his loans or filing bankruptcy, because that would have revealed that **GIBBS** did not generate enough cash to pay his loans.



To hide their scheme, Ryan directed **GIBBS** to inflate certain financial statements that **GIBBS** provided to First NBC Bank, by falsely increasing the income of **GIBBS**'s entities to hide the amount of money these entities were losing. Ryan did not tell the Board, auditors, or examiners that **GIBBS** inflated his financial statements at Ryan's direction. Calloway also made false statements to First NBC Bank's external auditors about **GIBBS** and his loans. By the time First NBC Bank failed in April of 2017, **GIBBS** and his entities owed the bank over \$123 million.

"Today's guilty plea demonstrates the FDIC OIG and our law enforcement partners will not tolerate criminals who defraud our insured financial institutions and cause harm to the nation's banking industry," said Laurie Younger, Special Agent in Charge, Dallas Region, Office of Inspector General for the Federal Deposit Insurance Corporation.

"The FBI and our law enforcement partners have dedicated significant time and resources toward investigating the failure of FNBC, which resulted in nearly a billion dollar loss to the FDIC. This guilty plea should be a deterrent to others who would attempt to manipulate the nation's banking system," said Bryan Vorndran, FBI New Orleans Special Agent in Charge.

"We are committed to working with our law enforcement partners in holding accountable wrongdoers whose fraudulent actions materially impact financial institutions regulated and supervised by the Federal Reserve Board," said Stephen Donnelly, Acting Special Agent in Charge, Eastern Region, Office of Inspector General for the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection.

GIBBS pled guilty to one count of conspiracy to commit bank fraud, in violation of Title 18, United States Code, Sections 1344 and 1349. The maximum penalties that may be imposed at sentencing are thirty years in prison; a fine of the greater of twice the gain to **GIBBS** or twice the loss to any victim; and up to five years of supervised release.

Judge Jane Triche Milazzo set **GIBBS**'s sentencing for December 2, 2020.

This case is being investigated by the Federal Bureau of Investigation; the Federal Deposit Insurance Corporation, Office of Inspector General; and the Board of Governors of the Federal Reserve System, Consumer Financial Protection Bureau, Office of Inspector General. Assistant U.S. Attorneys Sharan E. Lieberman, Nicholas D. Moses, Matthew R. Payne, and J. Ryan McLaren are in charge of the prosecution.

* * *

3378 979 72

600

\$159,421.75
57% of total Cont.

Text

Questionable Contributions
2.2 Contributions

Unquestionable Contributions



TWENTY-FOURTH JUDICIAL DISTRICT COURT
FOR THE PARISH OF JEFFERSON
STATE OF LOUISIANA

No. 793-014

DIVISION D

GIROD LOANCO, LLC

versus

REGINA B. HEISLER

FILED: _____ DEPUTY CLERK: _____

MOTION TO SET A HEARING
PURSUANT TO PRECEDENT SET IN *NASCO v. CALCASIEU*
AND *CHAMBERS v. NASCO*, 501 U.S. 32 (1991)

(1) Introduction regarding 4041 Williams Blvd foreclosure. In objecting to Heisler's Motion to Account for rents collected, GIROD LOANCO ("LOANCO") claimed that the 4041 Williams Blvd., Kenner monthly rents of \$11,250 were irrelevant because 4041 Williams was sold by the Jefferson Parish Sheriff's Office ("JPSO") on October 9, 2019 to GIROD REO ("REO"), an alleged "...third-party purchaser..." represented by Kean Miller¹. Because NASCO is a Louisiana case applying Erie principles, its applicability in this Court is manifest.

(2) "...Fraud upon a court..." authorizes a *NASCO* independent inquiry. Foreclosure sales to third-parties significantly diminish a defendant's right to challenge the sale once the sheriff's deed is recorded¹. In the case at bar, the deed to REO was backdated to October 9 although it was not completed until October 25, Exhibit A. The case was removed on October 11 and the JPSO was immediately advised that it could take no further action until remand. The initial suspect conduct was in the signing and witnessing as if it happened on October 9. The more egregious conduct was the fact that REO — as Kean Miller fully knows — did not exist on October 9 or October 25. REO was not created in Delaware until

¹ This motion is about pre and post-litigation bad faith conduct and fraud upon the court by Kean Miller, NASCO v. Calcasieu, 124 F.R.D 137 at 141:

"The authority of the court over its attorneys and counselors is of the highest importance. They constitute a profession essential to society. Their aid is required, not merely to represent suitors before the courts, but in the more difficult transactions of private life. The highest interests are placed in their hands and confided to their management. The confidence which they receive and the responsibilities which they are obliged to assume, demand not only ability of a higher order, but the strictest integrity. The authority which the courts hold over them, and the qualifications required for their admission, are intended to secure those qualities." See also, NASCO, 124 F. R. D. 137 at note 10.

November 25 and not replicated in Louisiana until November 26, Exhibits B and C. Clearly, this Court should not countenance fraud by LOANCO and REO using lawyers as weapons to commit larceny in its very presence. NASCO is about the integrity of the judicial process and the toxic role lawyers play in "...defiling the very temple of justice..." NASCO, at 46. In this principled regard, Regina Heisler applauds this Court's statements from its interview with the ABA Center for Innovation Network about changing the legal system "...by molding and shaping the practice of law to make it better...", Alain Ellerbe, A Legal Rebel With a Cause, December 18, 2018.

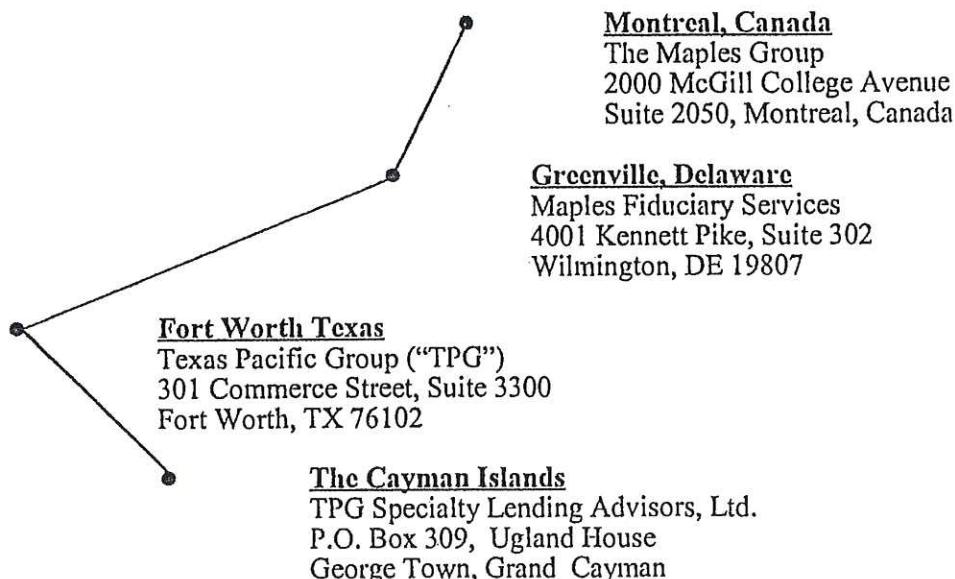
(3) Lynn Dufrene, Tina Terrebonne, Dantel Hicks and the checks written by LOANCO and REO. Because this Court has the inherent authority to insure the integrity of its processes, it can interview the JPSO personnel who signed the deed and also see the checks that were written by REO before it even existed. If Regina Heisler had to take depositions and issue subpoenas, that would take forever. In this setting, this Court can simply call the JPSO and interview them independently and get to the bottom of the issues expeditiously². Kean Miller counsel have always refused to give undersigned counsel any information whatsoever. The same application of this Court's inherent authority can be utilized as to Sterling Properties, which is a court-appointed officer of the court which will not provide Regina Heisler with any documentation, including a copy of the Keeper Agreement signed by Girod. Eric Lockridge won't give any information until "...you vacate 844 Baronne...", addressed to Henry Klein and his wife's small business, Julie Klein Interiors.

(4) ABA Formal Opinion 491 and the Cayman Islands. On April 29, 2020, the American Bar Association issued Formal Opinion 491 as to lawyers who aid clients committing "...crime or fraud in non-litigation settings...", Exhibit D. An issue this Court must examine is the actual or imputed knowledge by the Kean Miller lawyers as to the Cayman Islands, a haven for vulture funds, money laundering, tax evasion and other frauds hiding in "...secrecy jurisdictions...". As the ABA put it:

"That knowledge may be inferred from the circumstances, including a lawyer's willful blindness to or conscious avoidance of the facts."

² In NASCO and supporting jurisprudence, the courts appointed independent counsel to conduct the investigations. That would take too long. Regina Heisler is 77, has been diagnosed with liver cancer, was egregiously defrauded and Girod is taking all of her money and the funds generated by foreclosing on Succession property to the Cayman Islands.

Our claims that LOANCO and REO are vulture funds operating out of “...virtual offices...” at 301 Commerce Street, Suite 3300, Fort Worth Texas, under the corrupt umbrella of Texas Pacific Group (“TPG”) are no hyperbole. Here is how the dots were connected through reports by private investigators hired by counsel for Regina Heisler at great costs (she has no money)³:



See also, ETLOGIC, *Legal Entity Identifier Search*:

Legal Entity Identifier Search Created by ETLOGIC http://www.elogic.com	
SEARCH REPORTS PRICING ABOUT	
Main Details States and Registration Other Names Other Addresses Associated LEIs Related LEIs Error Reporting	Legal Entity Identifier: 540300V2RABNNGAVCD86 Legal Name: IPQ SPECIALTY LENDING ADVISORY LTD.
	Legal Address: CIO Naples and Calder Corporate Services Ltd PO Box 309 Upland House George Town KY1-1104
	Headquarters Address: 301 Commerce Street Suite 3200 Fort Worth 76102
	Legal County/Region Code: KY Country: US Region:
	HQ County/Region Code: US / US-TX Country: US Region: US-TX
	Legal Form: 0990 - CAYMAN ISLANDS ORDINARY NON-RESIDENT COMPANY Normalized Legal Form:
	Business Registry Code: RA0000088 Registry Identifier: 00296196 Jurisdiction County/Region: KY
	Successor Entity:

³ We limit the number of exhibits filed herewith, but will produce a BENCHBOOK in advance of the hearing, as the Court directs. All statements made will be corroborated by documents and by testimony from Regina Heisler (brief), Dayna Heisler and Henry Klein (under direct by Michael Bagneris).

(5) Congressional definition of a “...vulture...”. In the “STOP THE VULTURE FUND ACT” pending in the House Committee on the Judiciary and Financial Services, the following Congressional “...finding...” would have stopped LOANCO, REO and Kean Miller:

SECTION 2. THE CONGRESS FINDS THE FOLLOWING:

(7) So-called “vulture” creditors acquire by purchase, assignment or other form of transaction, the defaulted obligations of and sometimes actual court judgments against [debtors]. Vulture creditors usually acquire the debt for the payment for a sum far less than the face value of the defaulted obligation. They do so for the sole purpose of collecting through litigation, seizure of assets or other means, payment on the defaulted debt on terms and in amounts far in excess of the amount paid by the vulture creditor to acquire the debt.

As matters presently stand², based on no more than \$600,000 owed on April 28, 2017, when FNBC collapsed, the seizures are on a path to a “...\$15,000,000 to \$20,000,000 heist...”

4041 Veterans Shopping Center.....	\$11.2 million+
844 Baronne Street Law Offices.....	\$ 2.0 million+
Charles Schwab Investment Account.....	\$ 2.1 million+
Kean Miller Estimated Deficiency.....	\$ 3.0 million+

(6) Applicable law. The seminal characteristic of a *NASCO* hearing is that a court can conduct an *independent* investigation “...to protect the integrity of its processes...”. *NASCO v. Calcasieu Television and Radio*, 124 F.R.D. 120 (W.D. La. 1985) and *Chambers v. NASCO*, 501 U.S. 32 (1991) stand for the proposition that a court of justice can exercise its inherent powers if it finds “...that fraud has been practiced upon it, or that the very temple of justice has been defiled...”, *Chambers*, at 46, citing *Universal Oil*, 328 U.S. 580. These powers are “...governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs to achieve the orderly and expeditious disposition of cases...”, *Chambers*, citing *Link v. Wabash RR*, 370 U.S. at 630 (1962). In the case at bar, this Court’s valuable time and resources have been laid waste by the plethoric litigation filed by Kean Miller to bilk a defenseless widow.

One hallmark as to the way vulture funds achieve their sinister agendas is by pre and post-litigation tactics intended to break-down an opponent and [her] lawyer to "...a point of exhausted compliance...", *NASCO*, at 44. The following examples will be presented through the testimony of Henry Klein ("Klein"), examined by Heisler co-counsel Michael Bagneris and cross-examined by Kean Miller counsel. It is inquiry by the Court, however, that is the essence of a *NASCO* hearing. Because Kean Miller conducted thorough due diligence long before LOANCO became the OWNER of the toxic notes, its lawyers' pre-litigation knowledge, motive and intent qualify as relevant *NASCO* evidence³:

[1] Between May 8 and November 13, 2017, Klein communicated with federal regulators 26+ times in an effort to obtain evidence to explain how a \$600,000 debt turned into a \$9 million undocumented nightmare; Klein's efforts were well-known to Kean Miller lawyers Halpern and Lockridge in the form of a Fraud and Ill-Practice pleading we will present at the requested hearing;

[2] Between May 8 and November 13, 2017, Klein filed multiple pleadings in the Succession proceedings on the Right of Litigious Redemption, anticipating what was about to happen;

[3] Between November 13, 2017 and May 8, 2020, Klein sent 78 e-mails to Kean Miller in efforts to stop the attacks on Regina Heisler, the Succession and himself;

[4] Between November 13, 2017 and May 8, 2020, Klein hired two Detective firms in Texas and Delaware, spent tens of thousands of dollars and multi-hundreds of countless hours building a record to protect Regina Heisler, the Succession and himself;

[5] For over fifteen years, Kean Miller attorney David Halpern played in a relatively high-stakes poker game at the Heisler's house on Paris Avenue; Halpern and all the poker players feasted on Regina Heisler's sensational dinners and knew much about the Heislers' wealth and their lack of need to borrow money; when Halpern sued Regina Heisler, Klein asked Halpern for proof that the bloated loan amounts were paid to Heisler interests, which Halpern could never produce; eventually, Klein insisted that Halpern withdraw, which he did (on paper);

[6] Early on, Kean Miller lawyers Halpern and Lockridge concocted a theory that the \$20 million *churned* in shill loans went to Klein to support two real estate projects, a ruthless accusation that will be debunked by testimony too personal to include in a public record⁴;

[7] On September 16, 2019, Kean Miller lawyers signed pleadings which claimed that Klein took all the money; executory process does not allow evidence dehors the record to be filed, which all lawyers know; Kean Miller filed sixteen (16) exhibits and one hundred thirty-five (135) pages having *nothing* to do with the Exception of No Right of Action based on Louisiana R.S. 12:1354(A) and *Henson v. Santander*; Kean Miller replicated the misconduct by filing the same pleadings with the 5th Circuit Court of Appeals;

[8] The September 16, 2019 arguments were defamatory and sanctionable, asking, at page 5:

"How did Levy Gardens — an entity with no income and no source of funds other than loans — pay its development and construction-related debts, including the monthly interest due on the Levy Gardens Loan? The MSJ Memo, its exhibits, and FNBC records reflect that Klein and [Dayna] Heisler tapped the Succession's assets to pay many of Levy Gardens' debts."

[9] On October 25, 2019, Halpern attacked Klein at Harrah's Casino in a manner documented in an October 31 letter to Eric Lockridge we will file at the NASCO hearing but withhold at this time because of its quoted vulgarities aimed at Klein (to be filed *in camera*);

[10] Because Dayna Heisler was hired by Gary Gibbs ("Borrower No. 1" in federal indictments), she had access to information establishing that Gibbs borrowed \$161,632,652 from FNBC using Heisler and other victims' collateral.

These instances of abuse, fraud and reckless waste of this Court's resources will be well-established at the NASCO hearing we seek. As it has eventuated, it was our seemingly "...vanilla..." Motion to Account that led us to REO and the Cayman Islands.

As we will establish, REO's offices are "...virtually located..." at 301 Commerce Street, Suite 3300, Fort Worth Texas with all the TPG vultures we have found amassing \$108,000,000,000 (billion) belonging to private investors without names. We conclude this section of our motion with a copy of Michael Bagneris' preamble to the Louisiana State Supreme Court on the importance of this case, Exhibit E.

(7) **Integrity of the Judiciary.** The following *NASCO* quote is of value:

"Of important relevance, the inherent power also allows a [] court to vacate its own judgment upon proof that a fraud has been perpetrated upon the court...This historic power of equity to set aside fraudulently-begotten judgments...is necessary to the integrity of the courts, for 'tampering with the administration of justice in this manner'...involves more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public...Moreover, a court has the power to conduct an investigation in order to determine whether it has been the victim of fraud..." (Internal citations omitted)."

Division D in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana is a Court of Law. Higher yet, it is a Court of Justice, whose integrity and respect is paramount. A *NASCO* motion does not belong to the litigants. It belongs to the Court — inherently⁵.

Respectfully submitted,



Henry L. Klein (7440)
844 Baronne Street
New Orleans, Louisiana 70113
(504) 439-0488
henryklein44@gmail.com

and



Michael G. Bagneris ()
Bagneris, Pieksen & Associates, LLC
935 Gravier Street, Suite 2110
New Orleans, LA 70112
(504) 493-7990
bagneris@bpjustice.com

ENDNOTES

1. The two “choices” available to a defendant, (1) appeal or (2) injunction, appeared unfavorable. We couldn’t post bond and at her age, Regina Heisler would not make it through permanent injunction hearings and trials when her counsel thought a legal attack was better. The first exception was an error on our part. The second is on appeal. In retrospect, our “delivery” was emotionally-charged and ill-advised. Hopefully, things have changed and ABA 491 will shine a brighter light on the misconduct by Kean Miller — the civil side of *RIGHT on Crime*.
2. If this Court acts expeditiously pursuant to its inherent rights to protect the integrity of its judicial process, what this Court does may MOOT what is heading to the Louisiana Supreme Court on issues well-articulated by Michael Bagneris in his Preamble, supra.
3. The Achilles-heel for Kean Miller is not limited to fraud upon the court. Ultimately, Henson v. Santander, 582 U.S. ____ (2017) and Milburn v. Proctor Trust, 54 F.Supp. 989 (1944) will defeat Kean Miller’s claim that its (ABA 491) client was just a “...debt collector...” which could mock R.S. 12:1354(A) with impunity. Oral argument in Henson took place on April 18, 2017 and it was obvious where the Justices were heading. The decision by Justice GORSUCH — his first — was published June 12, 2017. At a NASCO hearing, this Court can inquire as to when Kean Miller knew about Henson, making the attack upon Regina Heisler much more sanctionable.
4. The documents are very personal and will be filed by Klein *via* separate Motion to Seal. There are no surprises to Kean Miller involved.
5. We do not provide a proposed order because the Motion belongs to the Court.

IN THE 19TH JUDICIAL DISTRICT COURT
FOR THE PARISH OF EAST BATON ROUGE
IN THE STATE OF LOUISIANA

No. 694-345

REGINA B. HEISLER, INDIVIDUALLY AND AS
CITIZEN OF THE STATE OF LOUISIANA

v.

R. KYLE ARDOIN, INDIVIDUALLY AND AS
THE SECRETARY OF STATE OF THE STATE OF LOUISIANA

and

JEFFREY MARTIN "JEFF" LANDRY, INDIVIDUALLY AND AS
THE ATTORNEY GENERAL FOR THE STATE OF LOUISIANA

FILED: September 1, 2020

CITIZEN'S SUIT
FOR BILLIONS OF DOLLARS IN TAXES DUE
TO THE STATE OF LOUISIANA AND DAMAGES TO REGINA HEISLER
AS A CONSEQUENCE OF THE FAILURE BY DEFENDANTS
TO ENFORCE STATUTES INTENDED TO PROTECT AGAINST
FOREIGN CORPORATIONS AND INDIVIDUALS
KNOWN AS "VULTURE FUNDS"
FROM FLEECING VICTIMS OF THE FIRST NBC BANK COLLAPSE

The Petition of Regina B. Heisler, a citizen of the State of Louisiana and a victim of the collapse of the First NBC Bank on April 28, 2017 ("Heisler"), with respect represents:

I. INTRODUCTION

1. Heisler brings this action against the named public officials as a consequence of their failure to enforce non-discretionary duties pursuant to statutes passed to protect the State of Louisiana and its citizens ("citizen's suit").



2. Heisler has individual “standing” pursuant to the test set forth by the United States Supreme Court in *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992), in that she has suffered an injury in fact which is (a) concrete and particularized, and (b) actual, imminent and (c) traceable to the challenged nonfeasance, misfeasance and/or malfeasance of the defendants (no injective intended).

3. Heisler is a 77-year-old-widow who owed \$600,000 to First NBC Bank (“FNBC”) when it was closed on April 28, 2017 and is today subjected to seizures of her entire estate and the estate of her late husband in excess of \$15,000,000.

4. Pursuant to *Lujan*, Heisler has already suffered an injury in fact because Girod LoanCo, LLC (“GIROD”) has been seizing property since June of 2018 and remains in *imminent* danger of further seizures.

5. In this *citizen’s suit*, Heisler avers that unless GIROD and other *vulture funds* that purchased FNBC notes are expelled from Louisiana, other citizens are in *imminent* danger of losing valuable property rights.

II. VULTURE FUNDS

6. In Heisler’s instance, the direct culprit is a conglomerate of *vulture funds* located at the Ugland House in the Cayman Islands under the umbrella of Texas Pacific Group (“TPG”), as to which GIROD is an affiliate.

7. The Ugland House is known as the “...House of 19,000 Corporations...” which avoid taxation and regulation by the laws of the United States¹.

8. On November 13, 2017, GIROD bought EIGHT HUNDRED MILLION (\$800,000,000) DOLLARS of FNBC notes at pennies-on-the-dollar and stands to profit BILLIONS OF DOLLARS fleeced from Louisiana citizens.

9. The United Nations Human Rights Council ranks *vulture funds* with child trafficking and the maltreatment of leprosy as the vilest of evils in the world².

10. The undisputed definition of *vulture funds*, a/k/a “private equity funds” because ownership is secret or “silo structures” impossible to unmask:

1 Joshua Keating: <http://www.foreignpolicy.com/2012/01/24/house-of-19000-corporations/>

2 See, July 31, 2017 announcement by the Inter-American Court of Human Rights:

“The UN Human Rights Council’s Advisory Committee will be in session and will host panel discussions/forums related to leprosy, unaccompanied migrant children, effects of terrorism on human rights, [and] activities of *vulture funds* on human rights...”

“Vulture funds acquire, either by purchase, assignment or some other form of transaction, defaulted or distressed debts, and sometimes actual court judgements, with the aim of achieving a high return....on [secondary markets] at a price far less than its face value and then attempt, through litigation, seizure of assets or political pressure, to seek repayment of the full face value of the debt together with interests, penalties and legal fees.”

11. As we show below, the governmental nonfeasors in Louisiana are the public officials who let vulture funds like GIROD enter the state without complying with laws and regulations policing foreign corporations and without collecting the taxes due on BILLIONS OF DOLLARS IN PROFITS MADE FROM THEIR RUTHLESS FRAUD AND CRIMINALITY.

12. Interrelated and affiliated with GIROD are the following entities, created for the sole purpose of furthering, aiding and abetting the fraudulent and criminal enterprise which was spawned by the years of criminality that closed FNBC:

- GIROD REO, LLC, created on November 26, 2019, awarded Charter No. 43682780Q by the Secretary of State without meaningful investigation as to the type of business it intended to conduct in Louisiana: Vulture Funding
- GIROD HOLDCO, LLC, created on November 26, 2019 and listed as a member of GIROD REO, LLC, without meaningful investigation as to the type of business it intended to conduct in Louisiana: Vulture Funding
- GIROD TITLING TRUST, created on May 26, 2020, awarded Charter No. 43906570Z by the Secretary of State without meaningful investigation as to the type of business it intended to conduct in Louisiana: Vulture Funding³
- GIROD LOANCO, LLC, created on May 26, 2020, awarded Charter No. 43911309Q by the Secretary of State without meaningful investigation as to the type of business it intended to conduct in Louisiana: Vulture Funding

3 A “DELAWARE TITLING TRUST” is created only to hold the title to “...subtrusts...” which hold title to assets which can be transferred to other “...subtrusts...” in order to defraud creditors. Delaware is a “...secrecy jurisdiction...” which does not disclose its ownership, a hallmark of Vulture Funding. When the FDIC sold FNBC notes to Girod, it also violated its own guidelines against selling assets from failed banking institutions to bidders located in “...secrecy jurisdictions...” such as the Cayman Islands.

23. In the Heisler instance, where the debt was \$600,000, Girod is exacting payments by way of ruthless seizures in excess of \$15,000,000, a ratio of 250%.
24. Assuming that GIROD paid 25-cents-on-the-dollar for the Heisler debt, the unconscionable level of plunder would be 1000%.
25. Citizen Heisler estimates that GIROD and its affiliates will reap TWO BILLION (\$2,000,000,000) DOLLARS in gross income from its purchase of FNBC notes.

V. COLLAPSE OF GOVERNMENTAL CHECKS AND BALANCES

26. By any measure, the Louisiana Legislative Branch passed good laws; the Executive Branch failed to perform its duties and it is now up to the Judiciary to make the Constitutional Separation of Powers work.
27. The FDIC sold toxic paper to "silo structures" which can't be identified.
28. The OFI let FNBC fail by inadequate regulating.
29. The DOJ just began the process of prosecuting the criminals who started this travesty in the matters of UNITED STATES OF AMERICA v. GARY R. GIBBS, CR-2020-0060 and UNITED STATES OF AMERICA v. ASHTON J. RYAN, JR., WILLIAM R. BURNELL, ROBERT B. CALLOWAY and FRANK J. ADOLPH, CR-2020-0065.

VI. HENSON v. SANTANDER and MILBURN v. PROCTOR TRUST

30. In anticipation of an ephemeral communication by the GIROD entities or in the event either SOS ARDOIN or AG LANDRY are otherwise misled, GIROD is an OWNER of debt it purchased from the FDIC on November 13, 2017, and is not a "debt collector" with privileges not applicable herein, Henson v. Santander, 137 S. Ct. 1718 (2017) and Milburn v. Proctor Trust, 989 F.Supp. 59 (1945).

VII. RELIEF REQUESTED

31. Regina Heisler is 77-years old and has been diagnosed with liver cancer and is therefore entitled to expedited consideration pursuant to Louisiana Code of Civil Procedure Article 1573.

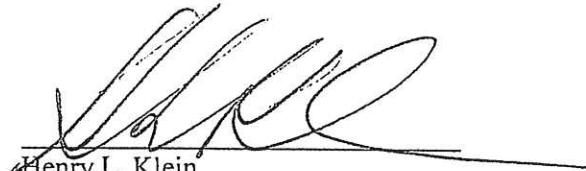
32. Heisler is entitled to compensatory damages resulting from the failure of the defendants to enforce non-discretionary laws in a manner so egregious that governmental immunity does not apply.

33. On several occasions, including an overture by a Louisiana Senator of high regard, efforts were made to have the defendant public officials enforce the law,

Citizen Suits: The Teeth in Public Participation⁵.

34. Regina Heisler is also entitled to attorney's fees and litigation costs for bringing this action on behalf of the Louisiana citizens purloined by GIROD and other vulture funds⁶.

Respectfully submitted,



Henry L. Klein
844 Baronne Street
New Orleans, LA 70113
(504) 301-3027
henryklein44@gmail.com

Service instructions to follow

5 25 Environmental Law Reporter 101041 (1995); <http://www.tulane.edu.com>.

6 Adam Babich: The Wages of Sin and the Violator Pays Rule, 10 Widener Law Review 219 (2003).

Jefferson Parish Sheriff's Office



CASE # 793-014
GIROD LOANCO, LLC

SALE DATE: 10/09/2019

VS
REGINA B. HEISLER, INDIVIDUALLY AND AS SUCCESSOR TRUSTEE IN THE ESTATE OF THE SUCCESSION OF FREDERICK P. HEISLER

PLAINTIFF'S ATTORNEY: J. ERIC LOCKRIDGE
WRIT AMOUNT: \$3,503,438.02

PHONE NO: 225-389-3756
PLAINTIFF'S PAYOUT: \$5,159,664.36

P. APPRAISAL:	BARRY T. "BREEZIE" LANDRY, JR.	\$3,125,000.00
D. APPRAISAL:	BRADLEY BIRD	\$3,100,000.00
T. APPRAISAL:	AVERAGE	\$3,112,500.00

STARTING BID: \$2,075,000.00 COMM: \$ 62,250.00

TOTAL DEPOSITS TO DATE:	\$5,350.00
AMOUNT AVAILABLE:	\$-732.57
CURRENT BALANCE:	\$-732.57
COSTS:	

ADVERTISEMENT	\$188.12
APPRAISAL FEES	\$2,850.00
CANCELLATION	\$205.00
CITY TAX CERTIFICATES	\$20.00
COST STATEMENT	\$5.00
DOCKET COST 24TH	\$1,921.15
IMPROVEMENT CERT	\$46.00
MORT. & CONVEY. CERTS	\$210.00
NOTICE OF ADVERT	\$69.00
OUTSIDE SERVICE SHERIFF FEES	\$35.30
PROCES VERBAL & DEED	\$80.00
RECOROGATION	\$405.00
RETURN OF WRIT	\$30.00
SEIZURE BOOK	\$1.00
TAX RESEARCH	\$25.00

TOTAL CHARGES	\$0,082.57
SHERIFF COMMISSION	\$62,150.00
TOTAL DEPOSITS	\$5,350.00
AMOUNT DUE	

SUBJECT TO:
10/25/2019 10:39:34 AM JEFF PAR 6116565 mgw \$205.00
TINST 11954297 MORTGAGE BOOK 4852 PAGE 23

PURCHASE PRICE \$2,075,000.00

PURCHASER: GIROD REO LLC

AGENT: JESSICA ENGLER

GIROD REO LLC
c/o Keen Miller LLC
909 Bayou St. Ste 500
New Orleans, LA 70112
S85-3050

DATE PAID: 10-9-19 CHECK NO: 12393 AMOUNT: \$2045.00

The amt of \$2,006,667.43 was paid to Girod Loanco,
LLC to be applied to their Multiple Indebtedness Mortgage,
Assignment and Lien/lien
Refund amt: \$5,350.00

Run Date: 10/14/2019 1:05:08PM
CK# 306188 - \$2,006,667.43

CK# 306189 - \$5,350.00

Sarah Niblett

10/14/19

EXHIBIT

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY "GIROD REO, LLC" IS DULY FORMED UNDER
THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A
LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF
THE TWENTY-FIFTH DAY OF NOVEMBER, A.D. 2019.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN
PAID TO DATE.

6372092 8300
SRI# 20198272108
You may verify this certificate online at corp.delaware.gov/authver.shtml

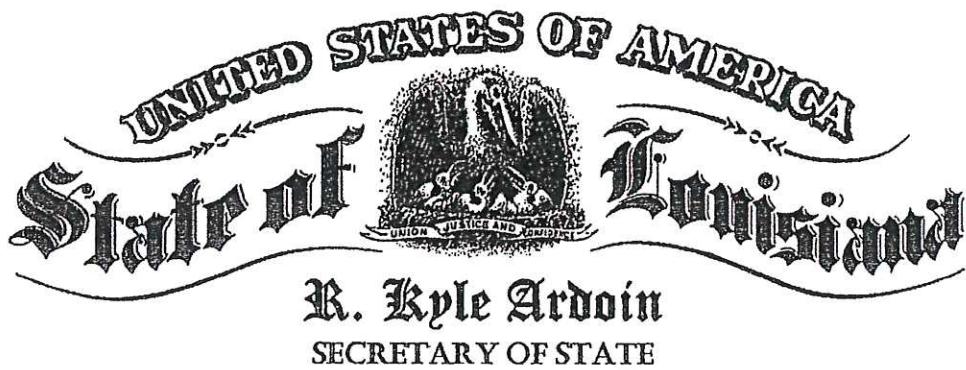


A handwritten signature of Jeffrey W. Bullock, followed by the printed title "Jeffrey W. Bullock, Secretary of State".

Authentication: 204075741

Date: 11-25-19





R. Kyle Ardoin
SECRETARY OF STATE

*As Secretary of State of the State of Louisiana I do hereby Certify that
the attached document(s) of*

GIROD REO, LLC

are true and correct and are filed in the Louisiana Secretary of State's Office.

43682780Q

FOREIGN LLC

ORIG

11/26/2019

1 page(s)

In testimony whereof, I have hereunto set my
hand and caused the Seal of my Office to be
affixed at the City of Baton Rouge on,

February 11, 2020

R. Kyle Ardoin

Secretary of State
WEB 43682780Q

Certificate ID: 11168092#SWM73
To validate this certificate, visit the following
web site, go to **Business Services**, **Search**
for Louisiana Business Filings, **Validate a**
Certificate, then follow the instructions
displayed.
www.sos.la.gov

EXHIBIT E

Law office
HENRY L. KLEIN
ATTORNEY AND COUNSELOR AT LAW
844 Baronne Street
NEW ORLEANS, LOUISIANA 70113-1103
henryklein44@gmail.com

Telephone: (504) 301-3027

Cellular: (504) 439-0488

August 18, 2019

marlahamilton22@gmail.com

Ms. R. Marla Hamilton
Law Clerk to the Honorable Scott Schegel
24th Judicial District Court
200 Derbigny Street
Gretna, LA 70053

Dear Ms. Hamilton:

I have fax-filed the attached Peremptory Exception of No Right of Action and Waiver of Oral Argument and will deliver the hard copy tomorrow morning. I am seeking an *instanter* declaration by the Court that Girod LoanCo is not able to seek the assistance of Louisiana Courts of Law to gain from its corruption. Eric Lockridge wants an opportunity to address the issue. I don't think there is anything to consider that is not a matter of record.

This is, by any measure, a LANDMARK case wherein the Court can protect the citizens of this state from the corruption *a qua*. Please be sure His Honor is aware of my request and the objection by opposing counsel.

Respectfully yours,

Henry L. Klein

cc: Eric Lockridge

TWENTY FOURTH JUDICIAL DISTRICT COURT
FOR THE PARISH OF JEFFERSON
STATE OF LOUISIANA

FILED: _____ DEPUTY CLERK _____

**PEREMPTORY EXCEPTION OF NO RIGHT OF ACTION
AND WAIVER OF ORAL ARGUMENT**

Regina Heisler, in all of her capacities, appears for the purpose of raising the issues which follow on an *instanter* basis, waiving oral argument on matters this Court can either GRANT or DENY on the basis of the present record.

L.

PEREMPTORY EXCEPTION OF NO RIGHT OF ACTION

During oral argument on August 13, we read the description of Girod into the record as a plaintiff neither recognized nor recognizable by Chapter 2 of Book 1 of the Louisiana Code of Civil Procedure. We orally requested a dismissal *with prejudice* on the grounds that (i) there was no real plaintiff in the courtroom and on the further grounds that (ii) courts of law should not lend aid to parties who seek to profit from illegal transactions. The transcript of our argument is made Appendix A. We concede that the presentation of the *ex turpi causa* doctrine may require deeper analysis at this stage of the proceedings, but *secreting* the identity of Girod-whatever cannot be countenanced. The Peremptory Exception of No Right of Action asks if "...the plaintiff belongs to the class of persons to whom the law grants the cause of action asserted in the suit...", Louisiana Paddlewheels v. Louisiana Riverboat Gaming Commission, 646 So. 2d 855 (1994). The Exception allows evidence to be submitted, as we have done in our submissions here and as the record reflects from the REMAND of Docket 2019-2363 from the Eastern District of Louisiana¹. We now address the non-existence of a recognizable plaintiff, evidenced by Exhibit D at ¶ 4:

¹ This Court can take judicial notice of all cases cited and evidence presented, none of which Girod can refute (as to its structure): The Succession of Frederick P. Heisler, Civil District Court Docket No. 2007-3249, questioning Girod LoanCo's existence and structure as a "Tilting Trust"; Charles Schwab & Co. v. Girod LoanCo and Regina Heisler, CDC Docket No. 2007-3249, same. First NBC Bank v. Levy Gardens and Regina Heisler, United States District Court for the Eastern District of Louisiana Docket No. 2017-6652, same; First NBC Bank v. Levy Gardens v. Lewis Title, United States Court of Appeal for the Fifth Circuit Docket No. 2019-30359, same. See also, Dayna Heisler's Affidavit and Exhibits A, B and C thereto.

Girod is wholly owned by a limited liability company that is in turn owned by three other limited liability companies. One of the members of one of the three limited liability companies is a limited partnership formed under the laws of the State of Delaware. To Girod's knowledge, one of the limited partners of the [Delaware Limited Partnership] is a limited liability company formed under the laws of the State of Louisiana....the members of the [Louisiana] LLC are inter vivos trusts incorporated under the Louisiana Trust Code and the settlors, trustees and beneficiaries of the Trust are individuals who reside in Louisiana.

At ¶ 5 of the declaration under penalty of perjury, Joshua Peck confesses that:

"The ownership structure of Girod is highly confidential"

Litigants are never allowed to remain invisible!!!! Particularly when the reason for the confidentiality is to defraud creditors, which is why Delaware Tilting Trusts are created, as we establish at page 5, *infra*. Throughout the past two years, Regina Heisler has attempted in vain to see Girod's documentation and ferret out the identity of the "...Louisiana member...", a tactic used to forum-shop. Here are the 40 e-mails:

1. 12/07/17 @ 8:34 am: Do you have any documentation on the 9 loans?
2. 12/07/17 @ 12:04 am: You must have some documents I can look at.
3. 12/07/17 @ 2:49 am: Do you have any documentation as to the Heisler loans?
4. 12/11/17 @ 10:01 am: I really need to see what you have and how much you contend is owed. I have been chasing this issue for 6 months....Please give me a time to go to David's office to see whatever documentation you have.
5. 12/15/17 @ 11:47 am: It has now been at least 8 months since I began looking for documentation and have received nothing.
6. 12/18/17 @ 9:50 am: How close are we to getting a look at the histories of these loans?
7. 12/20/17 @ 1:14 pm: Please get me the credit/debit history on each loan you expect the Succession to pay.
8. 12/20/17 @ 2:34 pm: This is torture.
9. 12/27/17 @ 3:49 pm: REGINA DID NOT GET THE MONEY SHOWN.
10. 01/02/18 @ 10:05 am: Surely you have some supporting documentation by now. Can you tell me what your client paid?
11. 01/02/18 @ 10:28 am: Your rights under the pledge agreement are unenforceable because of the FRAUD THAT WAS PRACTICED IN CONNECTION WITH THE First NBC collapse.

12. 01/03/18 @ 9:09 am: David and Eric: I would like to come over and see what documentation you have to support your claims. Once again, I have been seeking this information since April of 2017 and must reach an understanding asap.

13. 01/04/18 @ 1:09 pm: I have to take some action!!! Please call me.

14. 01/07/18 @ 8:33 am: NO I CAN'T IMAGINE. I can't imagine your client purchasing these loans without documentation

15. 01/09/18 @ 1:14 pm: I have to do something!!!! If you have no documentation, please say so. If you have some documentation, please say so. If you have lousy documentation, please say so.

16. 01/10/18 @ 1:11 pm: Quo Vadimus?

17. 01/20/18 @ 1:47 pm: Do you have paperwork for me to see?

18. 01/29/18 @ 6:29 pm: I received the allonges....I NEED MATCHING LOAN NUMBERS IN LOANCO'S SYSTEM.

19. 01/30/18 @ 11:40 am: I need to see what notes the allonges allonge with.

20. 01/30/18 @ 11:53 am: I repeat my request to talk to Silverstein directly or to a clerical person who can help me.

21. 01/30/18 @ 1:43 pm: Do you have any actual original notes? Where are they physically?

22. 01/31/18 @ 8:41 am: Does David Silverstein or anyone have the original notes Capital purchased?

23. 02/26/18 @ 10:16 am: The FDIC has responded to my FOIA request with nothing. They have no record of supporting documentation and (they say) no idea what your client paid for the loans.

24. 03/03/18 @ 5:21 pm: Does this company exists? I couldn't find them in any jurisdiction on earth.

25. 03/05/18 @ 1:18 pm: Does Girod LoanCo exist? Will David accept pleadings and/or a subpoena?

26. 03/09/18 @ 1:22 pm: I want to go to Boston to inspect the records on the loans sold to Girod LoanCo (which I found in Delaware). Will you agree?

27. 03/12/18 @ 9:07 am: I requested your confirmation as to my going to Boston to inspect the records your client has regarding each loan as to which the Heislers are involved....TIME IS OF THE ESSENCE...Please give me a time and date at your client's offices in Boston to conduct the inspection.

28. 03/12/18 @ 10:29 am: Do you have THE ORIGINAL OF ANY NOTE?

29. 03/12/18 @ 11:20 am: I want to go to Boston and look at the loan files, however sparse.

30. 03/14/18 @ 4:31 pm: I have been trying to see what supporting documentation your client has on the loans allegedly purchased from the FDIC. YOU HAVE YET TO PROVIDE DOCUMENTATION OR GIVE ME A TIME AND DATE WHEN I CAN GO TO BOSTON TO SEE THE RECORDS.

31. 03/16/18 @ 10:31 am: I want to make a request for disclosure of the amount CC paid for the Heisler loans.

32. 03/20/18 @ 2:13 pm: Assume that you were going to file an action to enforce the loans you bought. What would be your proof? I need to know what your client paid for these loans. Will you tell me?

33. 04/02/18 @ 5:48 pm: For each loan, give me every piece of paper you have which supports your ownership and your ability to enforce that specific loan.

34. 04/17/18 @ 2:33 pm: Am I correct that you gave filed NO pleadings in the interpleader? Are you?

35. 04/19/18 @ 5:26 pm: It seems inevitable that your client will be required to show me everything it has in the form of documentation for each loan. Same as the price Girod LoanCo paid. Why so we have to go through all this rigmarole?

36. 06/20/18 @ 4:49 pm: For approximately the 20th time, demand is made for CC or Girod LoanCo to provide all documents which support your claim.

37. 06/22/18 @ 2:26 pm: The concursus has been filed and you will have to reveal by what authority you have any right to any of the collateral, including the cash from the Schwab Account. Please send me the paperwork that establishes when and how Girod LoanCo owns the rights or the collateral.

38. 08/13/18 @ 12:19 pm: Regina Heisler is 76-years old and your client has tied up her entire estate from November of 2017 and before that, the FDIC

39. 08/20/18 @ 10:20 am: Are you at liberty to tell me what Girod paid FDIC for the Heisler/Levy Gardens/HPSouth loans? THIS IS RELEVANT TO OUR RIGHT OF LITIGIOUS REDEMPTION.

40. 10/28/18 @ 1:26pm: I am moving to enroll Michael Bagneris as my counsel and as co-counsel for Levy Gardens.

These are compelling reasons why this Court should dismiss on the peremptory exception now and avoid writ-litigation on a foreclosure that will never take place. Technically, we modified our request for relief at the August 13 oral argument and we now formalize the issue. Respectfully, we prefer not seeking writs and can always return with a request for an injunction, but prefer to end the bleeding now. At the end of the day, Girod will never get past the defense that the Succession Court did not approve any of the transactions Regina Heisler was defrauded into signing, as required by law:

Art. 3301. Payment of estate debts; court order

A succession representative may pay an estate debt only *with the authorization of the court*, except as provided by Articles 3224 (not applicable) and 3302 (urgent debts).

II.

GIROD IS A "...TILTING TRUST..." SO IT CAN DEFRAUD CREDITORS

From the beginning of this Odyssey, we have *never* been able to find who or what Girod really was or how and for how much it purchased the Heisler loans created by corruption at First NBC Bank. In some payment requests made, the instructions to the Heislers were to "...remit and make the check payable to...":

GIROD TILTING TRUST
100 SUMMER ST STE 1150
BOSTON, MA 02110-2106

The real reason Eric Lockridge² and Joshua Peck refused to identify the "Louisiana member" was discovered in the form of a report by the law firm of BAKER DONELSON at <https://www.bakerdonelson.com/structure-advantages-tilting-program>:

TRUST STRUCTURE

A number of states have adopted statutory trust provisions, but Delaware is on the leading edge and has the longest history of successfully using the statutory trust model. One of the principal advantages of the Delaware statutory trust is that one or more sub-trusts may be created within the umbrella of the master trust and assets may be allocated into those sub-trusts. **Under the Delaware statute, assets allocated to a sub-trust are insulated from exposure to liability of creditors of other sub-trusts or of the general trust.**

MAY IT PLEASE THE COURT: What we have here is "...a house of cards..." hiding a \$108-Billion Dollar Tilting Trust under the umbrella of Texas Pacific Group ("TPG"), where Joshua Peck (who provided Exhibit D) is Deputy General Counsel to TPG, Exhibit E. The TPG Empire is made up of 600 "Portfolio Companies" which does not show Girod, Exhibit F, because it was not in existence until November 7, 2017, Exhibit G. On November 7, 2017, Girod was the winning bidder on \$414,769,266 toxic paper from First NBC, Exhibit H and on November 8, 2017, the **Girod Titling Trust** was created, Exhibit I. Girod LoanCo has not qualified in Louisiana, has no agents for service of process, is immunized from liability by its structure and can't be held accountable for its wrongful acts.

² We name opposing counsel only because he has been put on notice that the Heisler family believes (as does its lawyer) that the refusal to disclose a multitude of facts constitutes Fraud and Ill-Practices. We hold no personal animus toward Eric Lockridge, but Mrs. Heisler is down to her Social Security benefits and nothing more. And she never received one red cent in the Gibbs/First NBC Ponzi Scheme.

III.

SO WHAT'S OUR POINT?

MAY IT PLEASE THE COURT: This is not a simple foreclosure where a homeowner couldn't pay and the mortgage company had no choice but to protect its security. This is a LANDMARK case, as we attempted to impress upon the Court during oral argument. This is case about a dark world that engages in champerty and maintenance. On September 4, 2015, The New York Times published a documentary: *Judge's Ruling Offers Peek Into Private Equity's Secret World*, Exhibit J. Long before Girod purchased the notes that were created by fraud, we stated our case and established our intention to exercise the rights of litigious redemption, Exhibit K.

IV.

FRANKFURTER

On August 13, we began by quoting from jurists we admire. We may have been a bit Utopian but we would like to revisit the proposition that this travesty must end right now. This ruthless destruction of Regina Heisler and her family does not by any measure meet what Mr. Justice FRANKFURTER stated in *Offutt v. United States*, 348 U.S. 11 (1954), at 17:

"Justice must satisfy the appearance of justice."

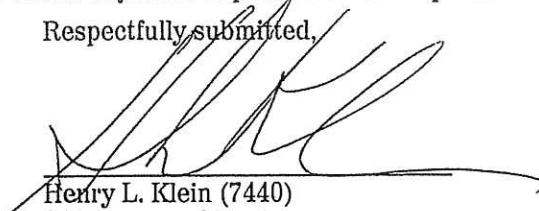
We also quoted from *Chambers v. NASCO*, 501 U.S. 32 (1991), as to the Court's inherent power to maintain the integrity of its process against a fraud upon the court. This foreclosure is a fraud perpetrated by a One Hundred Eight Billion Dollar enterprise that critics call a Vulture Fund, Exhibit L. We cited Article 191 for this Court's inherent power to administer justice in any way it deems appropriate. Girod LoanCo is not a plaintiff that any court of law should recognize. Regina Heisler waives oral argument. The Court has all it needs to dispense justice to a litigant entitled to protection from this invisible and ruthless plaintiff.

V.

THE EPITOME OF WISDOM

Best of all, this Court can and should declare that Girod LoanCo cannot avail itself of the privilege of using Louisiana's courts of justice to profit from corruption.

Respectfully submitted,



Henry L. Klein (7440)
844 Baronne Street
New Orleans, LA 70113
504-439-0488
henryklein44@gmail.com



DUCOTE FOR JUSTICE

A CONSTITUTIONAL REPUBLICAN-ACCEPTS NO CAMPAIGN CONTRIBUTIONS!

UPDATES

NO CAMPAIGN CONTRIBUTIONS ACCEPTED! I, Richard Ducote, am running for Judge, Div. J, 22nd Judicial District Court (St. Tammany & Washington) on Nov. 3.

[< All Posts](#)

SCOTT SCHLEGEL'S FUNDS

July 17, 2019

SCOTT SCHLEGEL'S SUPREME COURT CAMPAIGN FUNDED BY HUGE TEXAS COMPANY WITH \$\$\$MILLIONS AT STAKE IN LOUISIANA LAWSUITS. In his July 15 campaign finance report, Scott Schlegel's team disclosed that his campaign took \$25,000 from Texas Brine Co., a large Houston based company involved in many Louisiana lawsuits in which it stands to lose or gain millions of dollars. The \$25K was all paid on July 1, and broken up into 5 payments of \$5K each by Texas Brine and its 4 subsidiaries (all with the same Houston address of 4800 San Felipe Street) to avoid the \$5K corporate contribution limit. Texas Brine is known best for its involvement in the Bayou Corne sinkhole in Assumption Parish which swallowed scores of homes affecting 350 residents, and prompted many of the lawsuits and scores of filings in both the First Circuit Court of Appeal and the Louisiana Supreme Court. Just Google "Bayou Corne Sinkhole" for all of the story. There is no doubt that much of Texas Brine's fate will be decided by the Louisiana Supreme Court in a number of appeals. I have attached a partial listing of the appellate activity involving Texas Brine. There is no question that Texas Brine believes that Schlegel is a good investment for them. Why would

the \$25K campaign contribution is an indefensible and arrogant lapse of ethics and judgment. Imagine watching a Saints game where one team, say the Rams, handpicked the game's ref with \$\$\$\$\$. Would you have any confidence whatsoever in the fairness of any 4th quarter calls in the secondary? I have no opinion about the merits of any of the Texas Brine lawsuits, and will judge them, and every other party in every suit with fairness and integrity. But, whatever anyone thinks of my ultimate decisions, there will be no basis for any worry that I was for sale. Tomorrow I will post more about his campaign finance report. That is why I am not taking one red cent of campaign contributions from anybody. I hope you consider all of this on October 12, and vote for me as your next Supreme Court Justice. Thanks, Richard Ducote FB: Ducote for Justice ducoteforjustice.com

#ducoteforjustice.com

CANDIDATE'S REPORT

(to be filed by a candidate or his principal campaign committee)

<p>1. Qualifying Name and Address of Candidate SCOTT U. SCHLEGEL 406 N Labarre Road Metairie, LA 70001</p>		<p>2. Office Sought (Include title of office as well) Associate Justice Louisiana Supreme Court First District</p>		<p style="text-align: center;">OFFICE USE ONLY</p> <p>Report Number: 77429</p> <p>Date Filed: 7/15/2019</p> <p>Report Includes Schedules: Schedule A-1 Schedule B Schedule C Schedule E-1</p>											
<p>3. Date of Primary 10/12/2019</p> <p>This report covers from 1/1/2019 through 7/4/2019</p>															
<p>4. Type of Report:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><input type="checkbox"/> 180th day prior to primary</td> <td style="width: 50%; text-align: center;"><input type="checkbox"/> 40th day after general</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/> 90th day prior to primary</td> <td style="text-align: center;"><input type="checkbox"/> Annual (future election)</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 30th day prior to primary</td> <td style="text-align: center;"><input type="checkbox"/> Supplemental (past election)</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 10th day prior to primary</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 10th day prior to general</td> <td style="text-align: center;"><input type="checkbox"/> Amendment to prior report</td> </tr> </table>						<input type="checkbox"/> 180th day prior to primary	<input type="checkbox"/> 40th day after general	<input checked="" type="checkbox"/> 90th day prior to primary	<input type="checkbox"/> Annual (future election)	<input type="checkbox"/> 30th day prior to primary	<input type="checkbox"/> Supplemental (past election)	<input type="checkbox"/> 10th day prior to primary	<input type="checkbox"/>	<input type="checkbox"/> 10th day prior to general	<input type="checkbox"/> Amendment to prior report
<input type="checkbox"/> 180th day prior to primary	<input type="checkbox"/> 40th day after general														
<input checked="" type="checkbox"/> 90th day prior to primary	<input type="checkbox"/> Annual (future election)														
<input type="checkbox"/> 30th day prior to primary	<input type="checkbox"/> Supplemental (past election)														
<input type="checkbox"/> 10th day prior to primary	<input type="checkbox"/>														
<input type="checkbox"/> 10th day prior to general	<input type="checkbox"/> Amendment to prior report														
<p>5. FINAL REPORT if:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><input type="checkbox"/> Withdrawn</td> <td style="width: 50%; text-align: center;"><input type="checkbox"/> Filed after the election AND all loans and debts paid</td> </tr> <tr> <td colspan="2" style="text-align: center;"><input type="checkbox"/> Unopposed</td> </tr> </table>						<input type="checkbox"/> Withdrawn	<input type="checkbox"/> Filed after the election AND all loans and debts paid	<input type="checkbox"/> Unopposed							
<input type="checkbox"/> Withdrawn	<input type="checkbox"/> Filed after the election AND all loans and debts paid														
<input type="checkbox"/> Unopposed															
<p>6. Name and Address of Financial Institution (You are required by law to use one or more banks, savings and loan associations, or money market mutual fund as the depository of all</p> <p>GULF COAST BANK 5001 Veterans Blvd Metairie, LA 70006</p>		<p>7. Full Name and Address of Treasurer AMY L BODET 4805 Kent Avenue Metairie, LA 70006</p>													
<p>9. Name of Person Preparing Report AMY L BODET</p> <p>Daytime Telephone 504-415-1120</p>															
<p>10. WE HEREBY CERTIFY that the information contained in this report and the attached schedules is true and correct to the best of our knowledge, information and belief, and that no expenditures have been made nor contributions received that have not been reported herein, and that no information required to be reported by the Louisiana Campaign Finance Disclosure</p> <p>This 15th day of July, 2019.</p>															
<p><u>Amy L Boret</u> Signature of Candidate/Chairperson (To be signed by Chairperson only if report by principal campaign committee)</p>			<p>504-415-1120 Daytime Telephone</p>												
<p><u>Amy L Boret</u> Signature of Treasurer</p>			<p>504-415-1120 Daytime Telephone</p>												
<p>8. FOR PRINCIPAL CAMPAIGN COMMITTEES ONLY</p> <p>a. Name and address of principal campaign committee, committee's chairperson, and subsidiary committees, if any (use additional sheets if necessary)</p> <p style="text-align: center;">On attached sheet</p>															

SUMMARY PAGE

RECEIPTS	This Period
1. Contributions (Schedule A-1)	\$ 82,000.00
2. In-kind Contributions (Schedule A-2)	\$ 0.00
3. Campaign paraphernalia sales of \$25 or less	\$ 0.00
4. TOTAL CONTRIBUTIONS (Lines 1 + 2 +3)	\$ 82,000.00
5. Other Receipts (Schedule A-3)	\$ 0.00
6. Loans Received (Schedule B)	\$ 25,000.00
7. Loan Repayments Received (Schedule D)	\$ 0.00
8. TOTAL RECEIPTS (Lines 4 + 5 + 6 + 7)	\$ 107,000.00

DISBURSEMENTS	This Period
9. Expenditures (Schedule E-1)	\$ 11,747.15
10. Other Disbursements (Schedule E-2)	\$ 0.00
11. Loan Repayments Made (Schedule B)	\$ 0.00
12. Funds Loaned (Schedule D)	\$ 0.00
13. TOTAL DISBURSEMENTS (Lines 9 + 10 + 11 + 12)	\$ 11,747.15

FINANCIAL SUMMARY	Amount
14. Funds on hand at beginning of reporting period <small>(Must equal funds on hand at close of last report or -0- if first report for this election)</small>	\$ 711.80
15. Plus total receipts this period <small>(Line 8 above)</small>	\$ 107,000.00
16. Less total disbursements this period <small>(Line 13 above)</small>	\$ 11,747.15
17. Less in-kind contributions <small>(Line 2 above)</small>	\$ 0.00
18. Funds on hand at close of reporting period	\$ 95,964.65

Form 102 Rev. 3/98 Page Rev. 3/98

SCHEDULE A-1: CONTRIBUTIONS (Other than In-Kind Contributions)

The following information must be provided for all contributors to your campaign during this reporting period, except for in-kind contributions. Information on in-kind contributions is reported on SCHEDULE A-2: IN-KIND CONTRIBUTIONS. In Column 1, check if the contributor is a political committee or a party committee. Any personal funds a candidate contributes to his campaign must be reported on this schedule. Personal funds a candidate loans to his campaign should be reported on Schedule B. For anonymous contributions, see SCHEDULE F. Totals and subtotals are *optional*. Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

1. Name and Address of Contributor	2. Contributions this Reporting Period		3. Total this Election
	a. Date(s)	b. Amount(s)	
ROSITA U SCHLEGEGL 138 Imperial Woods Harahan, LA 70123	06/24/2019	\$5,000.00	\$5,000.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
HEATHER SONGY 4701 Sheridan Avenue Metairie, LA 70002	07/01/2019	\$250.00	\$250.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
STEPHEN M PETIT JR ATTORNEY AT LAW 801 Oriole Street Metairie, LA 70003	07/01/2019	\$250.00	\$250.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
STERNBERG, NACCARI & WHITE LLC 935 Gravier Street Suite 2020 New Orleans, LA 70112	06/26/2019	\$2,500.00	\$2,500.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
KIRK TALBOT 9625 Evelyn Place River Ridge, LA 70123	07/02/2019	\$500.00	\$500.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
TBC SALES & DISTRIBUTION LLC 4800 San Felipe Street Houston, TX 77056	07/01/2019	\$5,000.00	\$5,000.00
POLITICAL COMMITTEE? _____	PARTY COMMITTEE? _____		
4. SUBTOTAL (this page)		\$13,500.00	N/A
5. TOTAL (complete only on last page of this schedule)			N/A
6. CONTRIBUTIONS FROM POLITICAL COMMITTEES:			
SUBTOTAL (this page)	\$0.00	TOTAL (complete only on last page of this schedule)	

Form 102 Rev. 3/98 Page Rev. 3/98

SCHEDULE A-1: CONTRIBUTIONS (Other than In-Kind Contributions)

The following information must be provided for all contributors to your campaign during this reporting period, except for in-kind contributions. Information on in-kind contributions is reported on SCHEDULE A-2: IN-KIND CONTRIBUTIONS. In Column 1, check if the contributor is a political committee or a party committee. Any personal funds a candidate contributes to his campaign must be reported on this schedule. Personal funds a candidate loans to his campaign should be reported on Schedule B. For anonymous contributions, see SCHEDULE F. Totals and subtotals are optional. Completion of totals and subtotals may assist in calculating totals that must be reported on the Summary Page.

1. Name and Address of Contributor	2. Contributions this Reporting Period		3. Total this Election
	a. Date(s)	b. Amount(s)	
TEXAS BRINE COMPANY LLC 4800 San Felipe Street Houston, TX 77056 <input checked="" type="checkbox"/> POLITICAL COMMITTEE? <input type="checkbox"/> PARTY COMMITTEE?	07/01/2019	\$5,000.00	\$5,000.00
THE KING FIRM LLC 2912 Canal Street New Orleans, LA 70119 <input type="checkbox"/> POLITICAL COMMITTEE? <input checked="" type="checkbox"/> PARTY COMMITTEE?	07/01/2019	\$5,000.00	\$5,000.00
UNDERGROUND SERVICES MARKHAM LLC 4800 San Felipe Street Houston, TX 77056 <input type="checkbox"/> POLITICAL COMMITTEE? <input type="checkbox"/> PARTY COMMITTEE?	07/01/2019	\$5,000.00	\$5,000.00
UNDERGROUND STORAGE LLC 4800 San Felipe Street Houston, TX 77056 <input type="checkbox"/> POLITICAL COMMITTEE? <input type="checkbox"/> PARTY COMMITTEE?	07/01/2019	\$5,000.00	\$5,000.00
UNITED BRINE SERVICES LLC 4800 San Felipe Street Houston, TX 77056 <input type="checkbox"/> POLITICAL COMMITTEE? <input checked="" type="checkbox"/> PARTY COMMITTEE?	07/01/2019	\$5,000.00	\$5,000.00
HC WELLMAN, JR 102 Elaine Street Harahan, LA 70123 <input type="checkbox"/> POLITICAL COMMITTEE? <input type="checkbox"/> PARTY COMMITTEE?	06/24/2019	\$1,000.00	\$1,000.00
4. SUBTOTAL (this page)		\$26,000.00	N/A
5. TOTAL (complete only on last page of this schedule)			N/A
6. CONTRIBUTIONS FROM POLITICAL COMMITTEES:			
SUBTOTAL (this page)	\$0.00	TOTAL (complete only on last page of this schedule)	

Form 102 Rev. 3/95 Page Rev. 3/98

1. Assumption Parish Police Jury v. Texas Brine Company, LLC

Supreme Court of Louisiana. January 13, 2017 215 So.3d 246 2017 WL 374926

Denied. HUGHES, J., would grant.

...Assumption Parish Police Jury v. Texas Brine Company, LLC La., 2017 Supreme Court of Louisiana. ASSUMPTION PARISH POLICE JURY , et al. v. TEXAS BRINE COMPANY, LLC Assumption Parish Sheriff Mike Waguespack v. Texas Brine Company, LLC , et al. State of Louisiana v. Texas Brine Company, LLC , et al. NO. 2016-CC-2000 January 13...

2. Assumption Parish Police Jury v. Texas Brine Company, LLC

Court of Appeal of Louisiana, First Circuit. March 05, 2018 Not Reported in So.3d 2018 WL 1151935

WRIT DENIED. We decline to exercise our supervisory jurisdiction.

...Assumption Parish Police Jury v. Texas Brine Company, LLC La.App. 1 Cir., 2018 UNPUBLISHED OPINION. CHECK COURT...

...Louisiana, First Circuit. ASSUMPTION PARISH POLICE JURY , et al. v. TEXAS BRINE COMPANY, LLC , et al. State of Louisiana v. Texas Brine Company, LLC , et al. Assumption Parish Sheriff Mike Waguespack v. Texas Brine Company, LLC , et al. NO. 2017 CW 1463 March 5...

3. Assumption Parish Police Jury v. Texas Brine Company

Court of Appeal of Louisiana, First Circuit. December 28, 2016 Not Reported in So.3d 2016 WL 7468155

WRIT DENIED.

...Assumption Parish Police Jury v. Texas Brine Company La.App. 1 Cir., 2016 UNPUBLISHED OPINION. CHECK COURT RULES...

...Louisiana, First Circuit. Assumption Parish Police Jury , et al v. Texas Brine Company, LLC , et al State of Louisiana v. Texas Brine Company, LLC , et al Assumption Parish Sheriff Mike Waguespack v. Texas Brine Company, LLC , et al NO. 2016 CW 1489 DECEMBER 28...

4. Assumption Parish Police Jury v. Texas Brine Company, LLC

Supreme Court of Louisiana. January 13, 2017 215 So.3d 247 2017 WL 374927

Denied.

...Assumption Parish Police Jury v. Texas Brine Company, LLC La., 2017 Supreme Court of Louisiana. ASSUMPTION PARISH POLICE JURY , et al. v. TEXAS BRINE COMPANY, LLC , et al. Assumption Parish Sheriff Mike Waguespack v. Texas Brine Company, LLC , et al. State of Louisiana v. Texas Brine Company, LLC , et al. NO. 2016-CC-2001 January 13...

5. Assumption Parish Police Jury v. Texas Brine Company, LLC

Court of Appeal of Louisiana, First Circuit. February 21, 2018 Not Reported in So.3d 2018 WL 1027124

WRIT DENIED ON THE SHOWING MADE.

...Assumption Parish Police Jury v. Texas Brine Company, LLC La.App. 1 Cir., 2018 UNPUBLISHED OPINION. CHECK COURT...

...Louisiana, First Circuit. ASSUMPTION PARISH POLICE JURY , et al. v. TEXAS BRINE COMPANY, LLC , et al. State of Louisiana v. Texas Brine Company LLC , et al. Assumption Parish Sheriff, Mike Waguespack v. Texas Brine Company, LLC NO. 2018 CW 0223 FEBRUARY 21, 2018 In...

6. Assumption Parish Police Jury v. Texas Brine Company, LLC

Supreme Court of Louisiana. February 23, 2018 269 So.3d 705 2018 WL 8489140

Stay denied. Writ denied.

...Assumption Parish Police Jury v. Texas Brine Company, LLC La., 2018 Supreme Court of Louisiana. ASSUMPTION PARISH POLICE JURY , et al. v. TEXAS BRINE COMPANY, LLC , et al. State of Louisiana v. Texas Brine Company, LLC , et al. Assumption Parish Sheriff Mike Haguespack v. Texas Brine Company, LLC NO. 2018-CC-0311 February 23, 2018 Applying...

7. Crosstex Energy Services, L.P. v. Texas Brine Company

Supreme Court of Louisiana. September 06, 2016 205 So.3d 912 2016 WL 4991885

Denied.

...Crosstex Energy Services, L.P. v. Texas Brine Company La., 2016 Supreme Court of Louisiana. CROSSTEX ENERGY SERVICES...

...L.P. Crosstex Lig, L.L.C. , and Crosstex Processing Services, LLC v. TEXAS BRINE COMPANY Zurich American Insurance Company and American Guarantee and Liability Insurance Company In re: Texas Brine Company LLC , Defendant NO. 2016-C-0935 September 6, 2016...

8. Pontchartrain Natural Gas System v. Texas Brine Company, LLC

Supreme Court of Louisiana. January 13, 2017 215 So.3d 244 2017 WL 374925

Denied.

...Pontchartrain Natural Gas System v. Texas Brine Company, LLC La., 2017 Supreme Court of Louisiana. PONTCHARTRAIN NATURAL...

...d/s Promix, LLC and Acadian Gas Pipeline System v. TEXAS BRINE COMPANY, LLC NO. 2016-CC-1997 January 13, 2017 Applying...

9. Florida Gas Transmission Co. v. Texas Brine Company, L.L.C.

Supreme Court of Louisiana. January 14, 2019 261 So.3d 790 2019 WL 277627

Denied.

...Florida Gas Transmission Co. v. Texas Brine Company, L.L.C. La., 2019 Supreme Court of Louisiana. FLORIDA GAS TRANSMISSION CO. , et al. v. TEXAS BRINE COMPANY, L.L.C. , et al. NO. 2018-CC-1858 January 14...

10. Crosstex Energy Services v. Texas Brine Company, LLS

Supreme Court of Louisiana. January 13, 2017 215 So.3d 252 2017 WL 375665

Denied.

✓

...Crosstex Energy Services v. Texas Brine Company, LLS La., 2017 Supreme Court of Louisiana. CROSSTEX ENERGY SERVICES , et al. v. TEXAS BRINE COMPANY , LLS, et al. NO. 2016-CC-1984 January 13...

11. Pontchartrain Natural Gas System v. Texas Brine Company, LLC

Court of Appeal of Louisiana, First Circuit. March 23, 2018 Not Reported in So.3d 2018 WL 1448098

WRIT DENIED. We decline to exercise our supervisory jurisdiction.

...Pontchartrain Natural Gas System v. Texas Brine Company, LLC La.App. 1 Cir., 2018 UNPUBLISHED OPINION. CHECK COURT...

...d/s Promix, L.L.C. , and Acadian Gas Pipeline System v. TEXAS BRINE COMPANY, LLC NO. 2017 CW 1506 MARCH 23, 2018 In...

12. Labarre v. Texas Brine Company, LLC

Supreme Court of Louisiana. January 29, 2018 233 So.3d 608 2018 WL 825703

Not considered. See La.S.Ct. Rule IX, §6.

...Labarre v. Texas Brine Company, LLC La., 2018 Supreme Court of Louisiana. Gustave J. LABARRE, Jr., et al. v. TEXAS BRINE COMPANY, LLC and Georgia Gulf Chemical & Vinyls, LLC NO. 2017...

13. Labarre v. Texas Brine Company, LLC

Supreme Court of Louisiana. February 23, 2018 237 So.3d 519 2018 WL 1063931

Denied.

...Labarre v. Texas Brine Company, LLC La., 2018 Supreme Court of Louisiana. Gustave J. LABARRE, Jr., et al. v. TEXAS BRINE COMPANY, LLC and Georgia Gulf Chemical & Vinyls, LLC NO. 2017...

14. Labarre v. Texas Brine Company, LLC

Supreme Court of Louisiana. January 14, 2019 261 So.3d 786 2019 WL 277615

Denied.

...Labarre v. Texas Brine Company, LLC La., 2019 Supreme Court of Louisiana. Gustave J. LABARRE, Jr., et al. v. TEXAS BRINE COMPANY, LLC and Georgia Gulf Chemical & Vinyls, LLC NO. 2018...

15. W & T Offshore, L.L.C. v. Texas Brine Corporation

Supreme Court of Louisiana. October 08, 2018 253 So.3d 788 2018 WL 4997442

Granted. And, whereas, the Court has this date, pursuant to Article 5, Section 5, of the Constitution of Louisiana, made and issued the following order, to wit—"It is ordered that the writ of review issue; that the District Court and the Court of Appeal send up the record in Duplicate of the case; and that counsel for all parties be...

...W & T Offshore, L.L.C. v. Texas Brine Corporation La., 2018 Supreme Court of Louisiana. W & T OFFSHORE, L.L.C. v. TEXAS BRINE CORPORATION and Texas Brine Company, L.L.C. Texas Brine Company, L.L.C. v. W & T Offshore, L.L.C. NO. 2018-C...

V

16. W & T Offshore, L.L.C. v. Texas Brine Corporation

Supreme Court of Louisiana. October 08, 2018 253 So.3d 788 2018 WL 4997444

Granted. And, whereas, the Court has this date, pursuant to Article 5, Section 5, of the Constitution of Louisiana, made and issued the following order, to wit— “It is ordered that the writ of review issue; that the District Court and the Court of Appeal send up the record in Duplicate of the case; and that counsel for all parties be...

...W & T Offshore, L.L.C. v. Texas Brine Corporation La., 2018 Supreme Court of Louisiana. W & T OFFSHORE, L.L.C. v. TEXAS BRINE CORPORATION and Texas Brine Company, L.L.C. Texas Brine Company, L.L.C. v. W & T Offshore, L.L.C. NO. 2018-C...

17. Labarre v. Texas Brine Company, LLC

Court of Appeal of Louisiana, First Circuit. February 06, 2017 Not Reported in So.3d 2017 WL 478003

WRIT DENIED. The Louisiana Supreme Court set forth the criteria for the exercise of supervisory jurisdiction by an appellate court in Herlitz Const. Co. v. Hotel Investors of New Iberia, Inc., 396 So.2d 878 (La. 1981) (per curiam). As the criteria of Herlitz are not met in this case, this Court declines to exercise its supervisory...

...Labarre v. Texas Brine Company, LLC La.App. 1 Cir., 2017 UNPUBLISHED OPINION. CHECK COURT...

...H. Leblanc, Jr., Maria Carmen Delabarre Lizarraga Enterprises, LLC v. Texas Brine Company, LLC and Georgia Gulf Chemical & Vinyls, LLC NO. 2016...

18. LaBarre v. Texas Brine Company, LLC

Court of Appeal of Louisiana, First Circuit. February 06, 2017 Not Reported in So.3d 2017 WL 484114

WRIT DENIED. The Louisiana Supreme Court set forth the criteria for the exercise of supervisory jurisdiction by an appellate court in Herlitz Constr. Co., Inc. v. Hotel Investors of New Iberia, Inc., 396 So.2d 878 (La. 1981) (per curiam). Insofar as the criteria of Herlitz are not met in this case, this Court declines to exercise its...

...LaBarre v. Texas Brine Company, LLC La.App. 1 Cir., 2017 UNPUBLISHED OPINION. CHECK COURT...

...H. Leblanc, Jr., Maria Carmen DeLaBarre Lizarraga Enterprises, LLC v. Texas Brine Company, LLC and Georgia Gulf Chemical & Vinyls, LLC NO. 2016...

19. Pontchartrain Natural Gas System v. Texas Brine Company, LLC

Court of Appeal of Louisiana, First Circuit. March 05, 2018 Not Reported in So.3d 2018 WL 1151934

WRIT DENIED. We decline to exercise our supervisory jurisdiction.

...Pontchartrain Natural Gas System v. Texas Brine Company, LLC La.App. 1 Cir., 2018 UNPUBLISHED OPINION. CHECK COURT...

...d/s Promix, LLC and Acadian Gas Pipeline System v. TEXAS BRINE COMPANY, LLC NO. 2017 CW 1461 March 5, 2018 In...

20. Labarre v. Texas Brine Company, LLC

Court of Appeal of Louisiana, First Circuit. April 17, 2018 Not Reported in So.3d 2018 WL 1830953

WRIT DENIED.

...LaBarre v. Texas Brine Company, LLC La.App. 1 Cir., 2018 UNPUBLISHED OPINION. CHECK COURT...

...Louisiana, First Circuit. Gustave J. LABARRE, Jr., et al v. TEXAS BRINE COMPANY, LLC and Georgia Gulf Chemical & Vinyls, LLC NO. 2017...

21. LaBarre v. Texas Brine Company, LLC

Court of Appeal of Louisiana, First Circuit. January 23, 2017 Not Reported in So.3d 2017 WL 325245

WRIT GRANTED. After conducting a de novo review, we conclude there is a genuine issue of material fact as to whether or not Third Party Defendant, Indian Harbor, waived its right to rescind the insurance coverage policy. Tate v. Charles Aguillard Ins. & Real Estate, Inc., 508 So.2d 1371 (La. 1987). Specifically, Third Party Defendant's...

...LaBarre v. Texas Brine Company, LLC La.App. 1 Cir., 2017 UNPUBLISHED OPINION. CHECK COURT...

...H. LeBlanc Jr. Maria Carmen Delabarre Lizarraga Enterprises, LLC v. Texas Brine Company, LLC and Georgia Gulf Chemical & Vinyls, LLC NO. 2016...

22. LaBarre v. Texas Brine Company, LLC

Court of Appeal of Louisiana, First Circuit. January 23, 2017 Not Reported in So.3d 2017 WL 325239

WRIT DENIED. This Court declines to exercise its supervisory jurisdiction. The criteria set forth in Herlitz Construction Company, Inc. v. Hotel Investors of New Iberia, Inc., 396 So.2d 878 (La. 1981) (per curiam) are not met.

...LaBarre v. Texas Brine Company, LLC La.App. 1 Cir., 2017 UNPUBLISHED OPINION. CHECK COURT...

...H. LeBlanc Jr. Maria Carmen Delabarre Lizarraga Enterprises, LLC v. Texas Brine Company, LLC and Georgia Gulf Chemical & Vinyls, LLC NO. 2016...

23. Pontchartrain Natural Gas System v. Texas Brine Company, LLC

Court of Appeal of Louisiana, First Circuit. January 08, 2018 Not Reported in So.3d 2018 WL 317460

WRIT DENIED. The criteria set forth in Herlitz Construction Company, Inc. v. Hotel Investors of New Iberia, Inc., 396 So.2d 878 (La. 1981) (per curiam) are not met.

...Pontchartrain Natural Gas System v. Texas Brine Company, LLC La.App. 1 Cir., 2018 UNPUBLISHED OPINION. CHECK COURT...

...D/S Promix, LLC and Acadian Gas Pipeline System v. TEXAS BRINE COMPANY, LLC NO. 2017 CW 1314 January 8, 2018 In...

24. Pontchartrain Natural Gas System v. Texas Brine Company, LLC

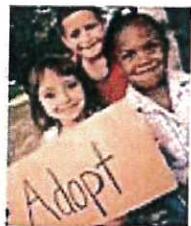
Court of Appeal of Louisiana, First Circuit. January 08, 2018 Not Reported in So.3d 2018 WL 317461

WRIT DENIED. The trial court's August 28, 2017 judgments, which granted various motions for partial summary judgments filed by defendants, are designated as final and appealable judgments. See La. Code Civ. P. art. 1915(B) (1). Moreover, this court notes that relator, Texas Brine Company, LLC, has filed a motion seeking an appeal from these...



IMPORTANT VOTES FOR REPUBLICAN STATE CENTRAL COMMITTEE

Nov 21, 2020



FREE ADOPTIONS!

Nov 17, 2020

Campaign signs

Nov 4, 2020

Copyright © 2019 Ducote For Justice – All Rights Reserved.

Powered by [GoDaddy](#)

FILED BY: FAX
Date: 8/3/20
Time: 4:42 PM
Deputy Clerk: S/M. PLAISANCE

Rec'd Counter
1400 COURT HOUSE, 10TH & JEFF
1400 JEFFERSON AVE., NEW ORLEANS, LA
504-568-4200

(SEE ATTACHED LOG)
TWENTY-FOURTH JUDICIAL DISTRICT COURT
FOR THE PARISH OF JEFFERSON
STATE OF LOUISIANA

No. 793-014

DIVISION D

GIROD LOANCO, LLC

versus

REGINA B. HEISLER

FILED: _____ DEPUTY CLERK: _____

**MOTION TO RECUSE JUDGE SCOTT U. SCHLEGEL
AND TO DISQUALIFY KEAN MILLER, LP,**

Regina B. Heisler moves to RECUSE Judge Scott U. Schlegel ("Judge Schlegel") and DISQUALIFY the law firm of Kean Miller, LP and its lawyers ("Kean Miller") for the compelling reasons that follow:

(1) Preliminary Statement. In the entire Code of Civil Procedure, no part is as distasteful and unpleasant as the provisions for the recusal of a presiding judge. The motion requires a litigant to establish that his *constitutional* right to a trial by a fair and impartial judge is no longer possible. It requires a litigant to make statements about the presiding judge that expose betrayal to the solemn oath all judges take when sworn into office. As established below, Regina Heisler's right to be protected by the law has been *irreparably* damaged by impermissible misconduct on the part of *both* Kean Miller in its representation of a corrupt plaintiff and Judge Schlegel's admitted unwillingness to consider Regina Heisler's side of the dispute and unprecedented purging from the public records her pleadings seeking *protection* by the law. Because Kean Miller is "...aiding and abetting..." Girod LoanCo's threat to take Regina Heisler's entire \$15,000,000 estate by use of fraud upon the court and because Judge Schlegel is turning a blind eye to the fraud, ABA Formal Opinion 491 is violated as are various rules protecting the public against judicial misconduct.

(2) *Caperton v. A. T. Massey Coal Co): Campaign Contribution Violations of Due Process.* Although the recusal of Judge Schlegel is mandated by his *unprecedented* purging of Regina Heisler's pleadings from the public records, the relationship between Judge Schlegel and Kean Miller in the context of at least \$47,500 in contributions to his campaign for Supreme Court Justice are nothing short

of "...shocking..." In *Caperton v. A.T. Massey Coal*, 556 U.S. 868 (2009), the United States Supreme Court considered the impact substantial campaign contributions to a judge before whom a case related to the "...contributor..." can have: "...[recusal is required] where the probability of actual bias on the part of the judge or decision-maker is too high to be constitutionally tolerable, *Withrow v. Larkin*, 421 U. S. 35..." In the case at bar, on September 9, 2019, three (3) days after Regina Heisler filed a compelling Exception of no Right of Action against Girod, Kean Miller paid \$2,500 to Judge Schlegel's campaign, a discovery that led to an additional \$45,000 in payments made by Kean Miller client — Texas Brine Company, LLC, and its subsidiaries. As the *Caperton* Court noted, "...[t]he proper inquiry centers on the contribution's relative size in comparison to the total amount contributed to the campaign, the total amount spent in the election, and the apparent effect of the contribution on the outcome...". When Kean Miller made the \$2,500 payment, Judge Schlegel's campaign was moribund. The only conclusion is that Kean Miller paid the money and Judge Schlegel took the money at a *prohibited* moment in the litigation, resulting in the decision to DENY the exception summarily. When Kean Miller clients Texas Brine and its subsidiaries made nine (9) multiple \$5,000 payments, the Bayou Corne \$100,000,000 Sinkhole litigation was ablaze in motions to move the litigation from the 1st Circuit to any other circuit, giving credence to *allegations* that Texas Brine was attempting to do something we won't repeat¹, <https://ducoteforjustice.com> and "*Between a Crime and a Dime: Bribery and Campaign Contributions*", joneswaker.com/images/content//1/2/v2/1221/1341².

(3) **The 2019 Campaign Contributions.** Regina Heisler submits that the following campaign contributions support her request for a "...complete fresh start..." with a new judge and an opposing counsel free of suspect ties to the decision-maker:

- **\$2,500.** On September 9, 2019, *three days after a Peremptory Exception of no Right of Action* was filed. Kean Miller paid \$2,500 to Judge Schlegel's Campaign; at issue was the seizure of over \$15,000,000 in assets belonging to Regina Heisler and the Succession.

¹ Representing a 77-year-old widow who finds herself in the throes of criminality is ugly enough without disclosing everything we have learned about the judge *a qua*.

² Q.V. microsoftword-paper-on-campaign-finance-bribes_N1898873/_2_/_DOC.

In the *Texas Brine Sinkhole Litigation*, Kean Miller represented Texas Brine as lead counsel³; Regina Heisler's due diligence shows the following campaign contributions by Texas Brine and its subsidiaries to Judge Schlegel's campaign⁴:

- **\$5,000.** On **July 1, 2019**, Texas Brine Sales and Distribution, LLC, 4800 San Felipe Street, Houston, TX 77056, paid \$5,000 to Judge Schlegel's campaign.
- **\$5,000.** On **July 1, 2019**, Texas Brine Company, LLC, 4800 San Felipe Street, Houston, TX 77056, paid \$5,000 to Judge Schlegel's campaign.
- **\$5,000.** On **July 1, 2019**, TBC Underground Services Markham, LLC, 4800 San Felipe Street, Houston, TX 77056, paid \$5,000 to Judge Schlegel's campaign.
- **\$5,000.** On **July 1, 2019**, Underground Storage, LLC, 4800 San Felipe Street, Houston, TX 77056, paid \$5,000 to Judge Schlegel's campaign.
- **\$5,000.** On **July 1, 2019**, United Brine Services, LLC, 4800 San Felipe Street, Houston, TX 77056, paid \$5,000 to Judge Schlegel's campaign.
- **\$5,000.** On **July 23, 2019**, Texas United Management Corporation, 4800 San Felipe Street, Houston, TX 77056, paid \$5,000 to Judge Schlegel's campaign.
- **\$5,000.** On **July 23, 2019**, United Brine Pipeline Company, 4800 San Felipe Street, Houston, TX 77056, paid \$5,000 to Judge Schlegel's campaign.
- **\$5,000.** On **July 23, 2019**, Louisiana Salt, LLC, 4800 San Felipe Street, Houston, TX 77056, paid \$5,000 to Judge Schlegel's campaign.
- **\$5,000.** On **July 23, 2019**, Pure Salt, LLC, 4800 San Felipe Street, Houston, TX 77056, paid \$5,000 to Judge Schlegel's campaign.

³ In the Eastern District of Louisiana, **Kean Miller** was lead counsel to **Texas Brine** in cases 12-2059, 12-2246, 12-2363, 12-2611, 13-4952, 13-5016, 13-5038, 13-5045, 13-5227, 13-5408, 13-5563, 13-5549, 13-5793 and 13-6026.

⁴ Texas Brine is the largest independent brine producer in the United States, supplying over 30 percent of the brine requirements of the chlor-alkali industry (Web-Page).

Regina Heilser could not understand Judge Schlegel's cold-hearted attitude and dismal failure to protect her interests in favor of a fraudulent, if not criminal enterprise like Girod LoanCo until we investigated the \$47,500 in donations to a campaign that was running a poor third and had no realistic hope of winning⁵. We then realized that Due Process of Law was *not* available against Kean Miller and its co-contributors. Based on *Caperton* precepts and further misconduct described below, Judge Schlegel should self-recuse and the case re-allotted to a judge who will heed the admonition by the United States Supreme Court in *Liljeberg v. Health Services Acquisition Corp*, 486 U.S. 847 (1988) at 468-470:

"If we focus on fairness to the particular litigants, a careful study of Judge Rubin's analysis of the merits of the underlying litigation suggests that there is a greater risk of unfairness in upholding the judgment in favor of Liljeberg than there is in allowing '...a new judge to take a fresh look at the issues'....The guiding consideration is that the administration of justice should reasonably appear to be disinterested as well as be so in fact, *Public Utilities Comm'n of D.C. v. Pollack*, 343 U.S. 451, 466-467 (1952) (Frankfurter, J.)"

In *Liljeberg*, the High Court also ordered VACATUR of Judge Collins' infirm district orders. The same thing should apply here *expeditiously*. Before moving to other compelling bases for recusal, we summarize the legal principles applicable to recusation:

Canon 1: A Judge Shall Uphold the Integrity and Independence of the Judiciary: *An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective.*

⁵ Any proposition that Judge Schlegel "...did not know how much money he was receiving from Kean Miller-related contributors..." or words to that effect would fit the Supreme Court's version of "...absurd..." in *Liljeberg*.

Canon 2: A Judge Shall Avoid Impropriety and the Appearance of Impropriety: *A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. As used in this Code, 'impartiality' or 'impartial' denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge.*

Canon 3-C: Self-disqualification: *A Judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself in a proceeding in which disqualification is required by law or applicable Supreme Court rule.*

Article 151(A)(4) of the Louisiana Code of Civil Procedure: *A Judge may be recused if he is biased, prejudiced, or interested in the cause or its outcome or biased or prejudiced toward or against the parties or the parties' attorney⁶ to such an extent that he would be unable to conduct fair or impartial proceedings."*

(4) United States Supreme Court Precedent: It is axiomatic that "...a fair tribunal is a basic requirement of due process...", *In Re Murchison*, 349 U.S. 133 (1955) and that "...not only is a biased decision-maker constitutionally unacceptable, but our system of law has always endeavored to prevent even the probability of unfairness...", *Tumey v. Ohio*, 273 U.S. 510 (1927); and when a judge "...intentionally acts in utter disregard for a [litigant]'s rights...", *Caperton v. Massey Coal Co.*, 556 U.S. 868 (2009), judicial disqualification is mandated.

Twice, Judge Schlegel wrongly decided that filing a Peremptory Exception of no Right of Action after losing a Declinatory Exception of Lis Pendens constituted

⁶ On June 3, 2020, Judge Schlegel entered a constitutionally-unprecedented order that undersigned counsel could not file pleadings without his permission. On July 14, 2020, Judge Schlegel declared that undersigned counsel was engaging in "...abuse of process..." a tort that requires more than an ipse dixit from a judge already compromised by \$47,500 in suspect campaign contributions.

“...abuse of process...” worthy of *punitive* contempt — implicating the “...one-man grand jury...” prohibition in *Mayberry v. Pennsylvania*, 400 U.S. 466 (1971)⁷. By any measure, when a district judge can no longer remain “...detached...”, his impartiality is compromised to levels “...too high to be constitutionally tolerable...”, *Withrow v. Larkin*, 421 U.S. 35 (1975); *Caperton v. Massey*, 566 U.S. 868 (2009) and *Liljeberg v. Health Services Acquisition Corp*, 486 U.S. 847 (1988) (“...*the only remedy available is to have the case allotted to a new judge who would take a fresh look at the issues...*”), *Id.*, at 866; see also, *Aetna Life v. Lavoie*, 475 U.S. 813 (1986) (“*The Due Process Clause may sometimes bar trial by judges who have no actual bias and who would do the very best to weigh the scales of justice equally between contending parties. But to perform its high function in the best way, ‘justice must satisfy the appearance of justice’.*”), *Id.*, at footnote 12⁸.

The most-enlightened test for recusation was articulated in *Liljeberg* which asks “...whether a reasonable person, knowing all of the facts known to the parties, would harbor doubts as to the court’s impartiality...”, a compelling guide when *constitutionally-protected rights* are at issue. The specter of facing “...contempt...” for filing pleadings without Judge Schlegel’s permission “...strik[es] at the foundation...” of due process and First Amendment liberties, *Wienman v. Updegraff*, 344 U.S. 183 (1952), FRANKFURTER, J. (*The use of any law as a “chilling” mechanism has been outlawed by the Supreme Court for over 50 years.*) See, *Fear Risk and the First Amendment: Unravelling the “Chilling Effect”*, 58 Boston University Law Review 685 (1978). The teaching in *Dombrowski v. Pfister*, 380 U.S. 479 (1965) is that the use of any statute, rule or regulation that “...may impair freedoms of expression or inhibit the exercise of First Amendment rights is not constitutionally tolerable...”, *Id.*, at 1121. Over and again, Judge Schlegel made it *unconstitutionally* clear that Henry Klein did *not* have the right guaranteed by *Lamont*

7 “...by reason of the Due Process Clause of the 14th Amendment, a defendant in criminal contempt proceedings should be given a public trial before a judge *other than the one reviled by the (alleged) contemnor...*”

Although Judge Schlegel did not hold undersigned counsel in contempt of court on July 14, 2020, he warned undersigned counsel that by filing pleadings without his permission “...you will be charging yourself ...” an *unconstitutional* violation of 1st Amendment rights.

8 See, Justice Stephen BREYER report to Chief Justice William REHNQUIST: *Implementation of the Judicial Conduct and Disability Act of 1980*, 28 U.S.C. 351 et seq.

v. Postmaster, 381 U.S. 301 (1965) to represent Regina Heisler "...unfettered...". Threats of sanctions are the "...most lethal enemies of the First Amendment...", *Keyishian v. Board of Regents of the University of New York*, 385 U.S. 589 (1968).

The requirement that Judge Schlegel be recused NOW is manifest. After October of 2019, Regina Heisler's lawyer was "...gagged..." by the first citation for contempt of court⁹. At *Wolff v. Selective Service Local Board No. 16*, 372 F.2d 817 (1967), the 2nd Circuit Court of appeals, citing *NAACP v. Button*, 371 U.S. 360 (1964), said this:

"Since it is the mere threat of unconstitutional sanctions which precipitates the injury, the courts must intervene at once to vindicate the threatened liberties."

There is no redeeming judicial value to anything but immediate RECUSAL followed by DISQUALIFICATION of Kean Miller.

(5) In re Cooks and the Duty to Self-Recuse. Whether a judge should self-disqualify is not only a constitutional mandate, but can rise to a level of misconduct by a judge subject to disciplinary proceedings, as set forth by the Louisiana Supreme Court in the matter of *In Re: Cooks*, 694 So. 2d 892 (La. 1997), at 903:

"We hold that, absent direct evidence that the judge is biased or prejudiced to such an extent that he would be unable to conduct fair and impartial proceedings, where the circumstantial evidence of bias or prejudice is so overwhelming that no reasonable judge would hear the case, failure of a judge to recuse [himself] is a violation of the Code of Judicial Conduct as well as the Louisiana Constitution."

As Regina Heisler further chronicles, Judge Schlegel's June and July, 2020 actions leave no constitutional alternative.

(6) Purging Public Records. In actions that would be deemed "...spoliation of evidence..." if committed by a litigant, on July 14, 2020, Judge

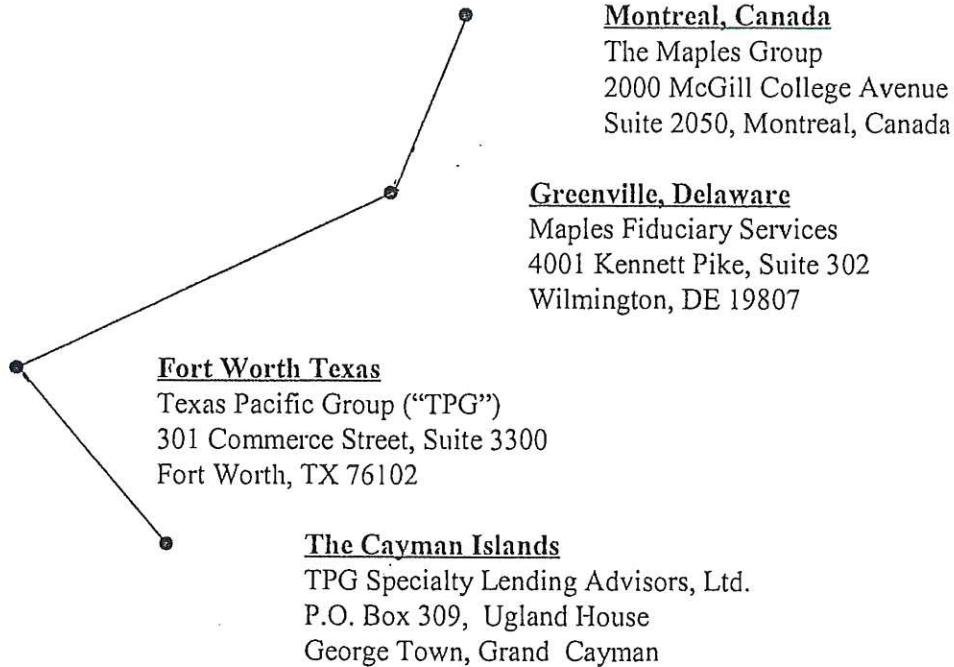
9 The alleged "...violation..." was sending an email to Judge Schlegel's law clerk asking that Judge Schlegel consider *sua sponte* VACATUR of the writ of seizure. It WAS emotionally-charged because of the frustration involved in pleading to a judge who wasn't reading anything we wrote. Regina Heisler wrote a scathing "...letter to the editor..." which undersigned counsel wouldn't let her send because the election for Supreme Court Justice was forthcoming. We also withheld filing *this* pleading until after qualifications for 24th JDC were over. Our benevolence may have been misplaced.

Schlegel ordered someone in the clerk's office or on his staff to purge or remove or extinguish or erase pleadings filed on behalf of Regina Heisler¹⁰. The July 14 purge of records at 793-014 was manifestly unconstitutional, *Angelo Iafrate Construction, LLC v. State ex rel DOTD*, 879 So. 2d 250 (1st Cir. 2004); the right of access to public records is fundamental, *Williams Law Firm v. Board of Supervisors of Louisiana State University*, 878 So.2d 557 (1st Cir. 2004); access to public records has few exceptions, *First Commerce Title v. Martin*, 887 So.2d 716 (2nd Cir. 2014).

(7) **“... Impartiality...” Is Impossible.** Lady Justice has two scales. Given the totality of circumstances, this Court should VACATE all infirm orders as did the High Court in *Liljeberg*. It is impossible for a judge to be impartial given his admission that he will not read our pleadings unless he gives advance permission!!! Even then, the pleadings were purged without being read. Long before the July 14 order, the record below is replete with DENIAL upon DENIAL upon DENIAL of simple requests intended to protect Regina Heisler. The declaration by Judge Schlegel that “...this case is over...” is simply wrong — but now explicable. Kean Miller has declared its intention to seek a deficiency judgment circa \$3 million, meaning Kean Miller will be back for further vultering against innocents. *This is a multi-MILLION dollar case vis-a-vis Regina Heisler and a multi-BILLION dollar case vis-a-vis the \$400 Million purchased by Girod from the FNBC criminal collapse.*

(8) **The Keeper and an Accounting.** Judge Schlegel DENIED Regina Heisler's request for an accounting of how much Sterling Properties and REO have collected and may well be sending to the Cayman Islands. Sterling Properties was a court-appointed keeper and thus, “...an officer of the court...” This DENIAL is further evidence of the Judge Schlegel's partiality to Kean Miller and its clients without any regard to Regina Heisler, 77 and diagnosed with liver cancer. We all need to see what is happening with her money. Among the documents purged from the record is the following chart we provided after spending over \$25,000 on detectives to connect the dots to trace how Girod spends Regina Heisler's money:

10 The Judicial Administrator has no answer as to how this happened, Exhibit A.



At ETLOGIC, *Legal Entity Identifier Search*, we traced Girod from 301 Commerce Street in Fort Worth, Texas to the Ugland House in the Caymans. Girod is a fraud Judge Schlegel is favoring over a citizen of this state who has been victimized by a vulture fund, described as follows by its alleged vice president:

Girod is wholly-owned by a limited liability company that is in turn owned by three other limited liability companies. One of the members of the three limited liability companies is a limited partnership formed under the laws of the State of Delaware (the “DE LP”). To Girod’s knowledge, one of the limited partners of the DE LP is a limited liability company formed under the laws of the State of Louisiana (the “LA LLC”), the members of the LA LLC are inter vivos trusts incorporated under the Louisiana Trust Code (the “Trusts”) and the settlors, trustees and beneficiaries of the Trusts are individuals who reside in Louisiana.

This is known as a “...silo structure...” prohibited from bidding on failed banks. But because Judge Schlegel won’t read Regina Heisler’s pleadings, the “...fraud upon the court...” has gone undetected in Division D and will be ignored by a judge clearly compromised.

(9) ABA Formal Opinion 491 and Kean Miller's Disqualification. On April 29, 2020, the American Bar Association issued Formal Opinion 491 as to lawyers who counsel or assist clients in a "...crime or fraud in non-litigation settings...". Upon recusal, the fresh jurist must enforce ABA's ruling, which has the force of law. Kean Miller lawyers fully knew that they were aiding vulture funds known for money laundering, tax evasion and other crimes. As the ABA put it:

"That knowledge may be inferred from the circumstances, including a lawyer's willful blindness to or conscious avoidance of the facts."

In the matter of Babineaux v. Foster, Civil Action 04-1679, AFRICK, J. summarized the law on lawyer-disqualifications thus:

"[I]t is beyond dispute that lawyers are officers of the court and that the courts have the inherent authority to regulate their professional conduct." In the Fifth Circuit, disqualification cases are governed by state and national ethical standards adopted by the court. The relevant standards include (1) the Local Rules for the Eastern District of Louisiana; (2) the American Bar Association's (ABA's) Model Rules of Professional Conduct; (3) the ABA's Model Code of Professional Responsibility; and (4) the state rules of conduct." (internal citations omitted)

At page 7 of his opinion, Judge Africk further observed:

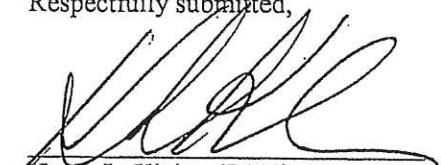
"While ABA Ethics Opinions are not binding on this Court, federal courts often look to them for guidance in interpreting the Model Rules of Professional Conduct.... In January, 2004, the Louisiana Supreme Court adopted a substantively new version of its ethical rules in connection with the ABA's well-publicized 'Ethics 2000' revisions to the Model Rules." (Internal citations omitted).

Kean Miller participated in compromising Judge Schlegel's integrity to the tune of \$47,500 and must go. It is the entire Twenty-Fourth Judicial District Court for the Parish of Jefferson that has been defrauded. Our NASCO was DENIED by Judge Schlegel summarily. The leading characteristic of a NASCO hearing is that a court can conduct an independent investigation "...to protect the integrity of its processes..." The creation of Girod REO on November 26, 2019 after it bid 4041 Williams Boulevard at an infim JPSO sale on October 9, 2019 was a classic "...fraud upon the court..." and fraud upon the Heisler Succession. Both NASCO v. Calcasieu

Television and Radio, 124 F.R.D. 120 (W.D. La. 1985) and *Chambers v. NASCO*, 501 U.S. 32 (1991) stand for the proposition that a court of justice can exercise its inherent powers if it finds "...that fraud has been practiced upon it, or the very temple of justice has been defiled...", *Chambers*, at 46, citing *Universal Oil*, 328 U.S. 580.

These inherent powers are "...governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs to achieve the orderly and expeditious disposition of cases...", *Chambers*, 43, citing *Link v. Wabash RR*, 370 U.S. at 630 (1962). In the case at bar, Kean Miller engaged in fraud that can only be cured by DISQUALIFICATION and a return of Regina Heisler's to her and to the Succession of her late husband.

Respectfully submitted,



Henry L. Klein (7440)
844 Baronne Street
New Orleans, Louisiana 70113
(504) 439-0488
henryklein44@gmail.com

Counsel for Regina Heisler

O R D E R

Considering the foregoing, and considering the United States Supreme Court mandate at *Caperton v. A.T. Massey Coal*, 556 U.S. 868 (2009), the Motion to Recuse is hereby GRANTED, *nunc pro tunc*, and it is further

ORDERED that the Clerk of Court re-allot this case to a Division excluding Division D for further proceedings regarding the Motion to Disqualify Kean Miller and its lawyers from further representation of Girod LoanCo, LLC in this matter and all matters deemed fit and proper.

GRETNNA, LOUISIANA, this ____ day of August, 2020.

*see order
filed 8/10/2020*

The Honorable Scott U. Schlegel

Rec at Counter
FILED FOR RECORD 08/04/2020 10:27:10
Mandy C. Plaisance, DY CLERK
JEFFERSON PARISH, LA

Filed by: Fax
Date: 8/3/20
Time: 4:42 PM
Deputy Clerk: S/M. PLAISANCE
(SEE ATTACHED LOG)

CASE DOCKET # 793014

<https://ssl.jpcclerkofcourt.us/JeffnetService/Civil24th/CaseDock>

793014 CASE PLEADING VIEW

03/10/2020 D1 FILE EXHIBIT :3/MARKET LEADING EXPERTISE FOR TOP PERFORMING CLIENTS
03/10/2020 D1 FILE EXHIBIT :4/LEGAL ENTITY IDENTIFIER SEARCH
03/10/2020 D1 FILE EXHIBIT :C/FIDUCIARY SERVICES
03/10/2020 D1 FILE EXHIBIT :D/VULTURE FUND
03/10/2020 D1 FILE EXHIBIT :E/OCTOBER TERM SYLLABUS
03/12/2020 D1 FILE MOTION W/O DATE:FOR RECONSIDERATION OF DISCLOSURE DATE [E/O 03/12/2020 - DENIED :KPAL]
03/12/2020 D1 FILE EXHIBIT :A/FEDERAL REGISTER
03/23/2020 D1 FILE EXHIBIT :A- FEDERAL REGISTER
03/23/2020 D1 FILE EXHIBIT :B- SUPREME COURT OF THE UNITED STATES
03/23/2020 D1 FILE EXHIBIT :C- GMAIL
03/23/2020 D1 FILE EXHIBIT :C-1 / GMAIL
03/23/2020 D1 FILE MOTION W/O DATE:REGINA HEISLER'S REQUEST FOR JUDICIAL NOTICE PURSUANT TO CODE OF EVIDENCE ARTICLE 202 [E/O 03/24/2020 - DENIED :KPAL]
04/13/2020 P1 FILE OPPOSITION/OBJECTION:TO THE MOTION
05/27/2020 D1 FILE MOTION WITH NO ORDER:TO SET A HEARING PURSUANT TO PRECEDENT SET IN NASCO V CALCASIEU AND CHAMBERS V NASCO 504 US 32 1991
05/27/2020 D1 FILE EXHIBIT :A/SHERIFFS DEED
05/27/2020 D1 FILE EXHIBIT :B/DELAWARE
05/27/2020 D1 FILE EXHIBIT :C/CERTIFICATE
05/27/2020 D1 FILE EXHIBIT :E/PREAMBLE
05/27/2020 D1 FILE EXHIBIT :D/FORMAL OPINION
05/28/2020 D3 FILE MOTION WITH NO ORDER:OPPOSED MOTION TO FILE DOCUMENTS UNDER SEAL
05/28/2020 D3 FILE EXHIBIT :A/ EXCERPT FROM CHAMBERS V. NASCO INC
05/28/2020 D3 FILE EXHIBIT :B/ PHOTOS OF LIBRARY
05/28/2020 D3 FILE EXHIBIT :C/ PHOTO OF OFFICE
05/29/2020 D3 FILE DOCUMENT WITH NO CODE:INDEX TO DOCUMENTS UNDER SEAL
05/29/2020 D3 FILE EXHIBIT :A/ LETTER DATED 3/10/2012
05/29/2020 D3 FILE EXHIBIT :B/ WRIT OF SEIZURE AND SALE
05/29/2020 D3 FILE EXHIBIT :C/ EMAILS DATING FROM 10/31/2019



793014 CASE PLEADING VIEW

05/29/2020 1 D3 FILE EXHIBIT :D/ EMAILS DATING FROM 10/9/2019

05/29/2020 1 D3 FILE EXHIBIT :E/ EMAILS DATING FROM 12/6/2019

06/03/2020 1 D3 FILE MOTION W/O DATE:ORDER ON MOTION TO SET MOTION HEARING PURSUANT TO PRECEDENT SET IN NASCO V CALCASIEU AND CHAMBERS V NASCO AND OPPOSED MOTION TO FILE DOCUMENTS UNDER SEAL [E/O 06/03/2020 - GRANTED :KPAL]

06/03/2020 1 D3 FILE REASONS FOR JUDGMENT:REASONS FOR ORDER ON MOTION TO SET MOTION HEARING PURSUANT TO PRECEDENT SET IN NASCO V CALCASIEU AND CHAMBERS V NASCO AND OPPOSED MOTION TO FILE DOCUMENTS UNDER SEAL [E/O 06/03/2020 - GRANTED :KPAL]

06/20/2020 1 D1 FILE MOTION W/O DATE:FOR LEAVE TO FILE MOTION FOR CONSIDERATION OR PARTIAL RECONSIDERATION OF REQUEST FOR ACCOUNTING AND COMPLETE REPORT FROM STERLING PROPERTIES

06/20/2020 1 D1 FILE EXHIBIT :EMAIL DATED 6-19-20

06/24/2020 1 D1 FILE MOTION W/O DATE:ORDER ON OPPOSED MOTION FOR LEAVE TO FILE MOTION FOR CONSIDERATION (OR PARTIAL RECONSIDERATION) OF REQUEST FOR ACCOUNTING AND COMPLETE REPORT FROM STERLING PROPERTIES [E/O 06/24/2020 - GRANTED :KPAL]

06/24/2020 1 D1 FILE MOTION W/ DATE:ORDER SETTING HEARING [E/O 06/24/2020 - HEARING SET FOR JULY 14, 2020 AT 10:00 A.M. :KPAL]

07/02/2020 1 D1 FILE EXHIBIT :A/ FILING SUMMARY

07/02/2020 1 D1 FILE MOTION W/O DATE:TO TREAT PLEADINGS FILED BY REGINA HEISLER EXPEDITIOUSLY PURSUANT TO LA CCP ARTICLE 1573 [E/O 07/02/2020 - MOOT :KPAL]

07/02/2020 1 D1 FILE EXHIBIT :A/ DRIVERS LICENSE

07/02/2020 1 D1 FILE EXHIBIT :B/ HOSPITAL PHOTO

07/02/2020 1 D1 FILE EXHIBIT :C/ CURRENT HEALTH ISSUES

07/02/2020 1 D1 FILE MOTION W/O DATE:FOR PERMISSION TO FILE REQUEST FOR A MORE DEFINITE STATEMENT REGARDING ORDER TO SHOW CAUSE WHY HENRY KLEIN SHOULD NOT BE HELD IN CONTEMPT OF COURT AND REQUEST FOR VACATUR [E/O 07/02/2020 - DENIED :KPAL]

07/06/2020 D1 FILE MOTION W/O DATE:FOR PERMISSION TO FILE BILL OF INFORMATION AGAINST GARY R GIBBS AND TO TAKE JUDICIAL NOTICE OF SAME PURSUANT TO LOUISIANA CODE OF EVIDENCE ARTICLES 201 AND 202 [E/O 07/14/2020 - DENIED SEE ORDER FILED 7/14/2020 :KPAL]

07/08/2020 1 D1 FILE EXHIBIT :A-E/ INDEX TO DOCUMENTS UNDER SEAL

07/08/2020 1 D1 FILE EXHIBIT :A/ DOCUMENT FILED 01/29/13

07/08/2020 1 D1 FILE EXHIBIT :B/ WRIT OF SEIZURE AND SALE

793014 CASE PLEADING VIEW

07/08/2020 D1 FILE EXHIBIT :C/ EMAIL FROM HENRY KLEIN

07/08/2020 D1 FILE EXHIBIT :D/ EMAILS FROM HENRY KLEIN

07/08/2020 D1 FILE EXHIBIT :E/ EMAILS FROM HENRY KLEIN

07/08/2020 D1 FILE EXHIBIT :F/ WIKIPEDIA ARTICLE ON UGLAND HOUSE

07/08/2020 D1 FILE ANSWER TO:ORDER SETTING ZOOM HEARING/HENRY L KLEIN INDIVIDUALLY AND ON BEHALF OF REGINA HEISLER

07/09/2020 D1 FILE DOCUMENT WITH NO CODE:ERRATA

07/09/2020 D1 FILE EXHIBIT :L-1/ FORMAL OPINION 491

07/09/2020 D1 FILE EXHIBIT :L-2/ CURRICULUM VITAE

07/12/2020 D1 FILE EXHIBIT :A/ EXPERT REPORT FROM BRIAN ANDREWS

07/12/2020 D1 FILE EXHIBIT :B/ H.R. 2932

07/12/2020 D1 FILE DOCUMENT WITH NO CODE:POST ASHTON RYAN INDICTMENT SUBMISSION

07/14/2020 D1 FILE MOTION W/O DATE:ON ORDER OPPOSED MOTION FOR PERMISSION TO FILE BILL OF INFORMATION AGAINST GARY R. GIBBS AND TO TAKE JUDICIAL NOTE OF SAME PURSUANT TO LOUISIANA CODE OF EVIDENCE ARTICLE 201 AND 202 AND POST "ASHTON RYAN INDICTMENT..."

07/15/2020 D1 FILE AND ENTER JUDGMENT :ON MOTION FOR AN ACCOUNTING BY COURT-APPOINTED KEEPER AND ORDER TO SHOW CAUSE WHY ATTORNEY SHOULD NOT BE HELD IN CONTEMPT (SIGNED)

07/21/2020 D1 APPEAL DECISION :SUPREME COURT LETTER CASE #2020-CC-00929

07/24/2020 D1 APPEAL DECISION :SUPREME COURT OF THE STATE OF LOUISIANA LETTER

07/27/2020 D1 APPEAL DECISION :SUPREME COURT CASE #2020-CC-00929 - WRIT APPLICATION NOT CONSIDERED. SEE ORDER - ; NOT TIMELY FILED