

No. 20-433

In the Supreme Court of the United States

MARK ANTHONY JENKINS,

Petitioner

v.

TIMOTHY O'ROURKE, Jefferson Parish Assistant District Attorney, Jefferson Parish Juvenile Court; ROBERT M. MURPHY, Former Judge of the Louisiana Fifth Circuit Court of Appeal; KRISTYL TREADAWAY; BARRON BURMASTER. Judge

Defendants

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT

REPLY BRIEF TO OPPOSITION ON BEHALF OF TIMOTHY O'ROURKE

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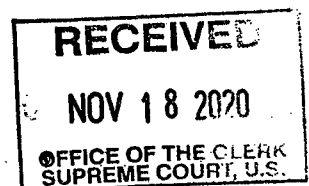


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REPLY TO RESPONDENT'S OPPOSITION BRIEF

The petition's facts are supported by court documents and the Opposition Brief does not attempt to disprove them.

The Opposition Brief calls the facts, stated in the petition and supported by court documents in the Appendix and Supplemental Appendix, "incredible allegations of a conspiracy" and "fantastical." At the same time it does not attempt to contest even one. They prove that the former Louisiana Appellate Court Judge Robert Murphy was able to rule on the issue of legal paternity presented to him for "supervisory review" in a writ application from the district court which had not ruled on legal paternity. Indeed, no trial court ruled on legal paternity, yet the issue was decided in the Louisiana Court of Appeals. How can the Louisiana court of appeals have original jurisdiction? Isn't the Court of Appeals supposed to review a judgment of the trial court?

The Opposition Brief quotes from page 9 of the federal district court's Opinion which inexplicably accepted uncritically the Louisiana Fifth Circuit's intentional misrepresentation of supervisory jurisdiction that dispensed with the need for a trial court ruling before a "review." How can the U.S. Fifth Circuit find that the Louisiana Fifth Circuit had subject matter jurisdiction on supervisory review when the district court, from which the application for writs was taken, had not decided the legal paternity issue? The federal lower courts are absolutely wrong and the question is: How could they make such a mistake?

This violation of due process of law was accomplished by two judges and a private attorney committing individual acts of malfeasance that are proven by the

court documents. All of their acts were needed to prevent Treadaway's stipulation in juvenile court, that there was no authentic act of acknowledgment to make Jenkins the legal father, from being considered in a trial in juvenile court.

The evidence is shocking and compelling. The fact that only one Louisiana Supreme Court Justice voted to grant writ of *certiorari* on two separate writ applications in this case; and that the federal district and circuit court judges denied seeing the obvious lack of subject matter jurisdiction is even more shocking. Mark Anthony Jenkins and the people of Louisiana need this Honorable Court to hear this case.

Exxon MobilCorp., et al. v. Saudi Basic Industries Corp, 544 U.S. 280 (2005)
requirement for state court judgments to bar federal district court jurisdiction of this action are not met.

Exxon Mobil requires that 1) the state court judgment must be the cause of the injury complained of petitioner; and 2) that the petitioner must be asking the federal district court to review and reject the state court's ruling.

Causation

It was not an erroneous state court judgment that caused the injury complained of in this civil rights case. The injury was caused by an illegal act of the respondent former appellate court judge, who usurped an issue from juvenile court before a trial was had in order to keep the evidence (a stipulation made in juvenile court) from being considered. He then arranged to have the issue presented in an assignment of error from a district court judgment involving the same parties so that the evidence would not be on that court record. The resulting judgment

handed down on July 31, 2015 is void *ab initio* for lack of supervisory subject matter jurisdiction.

The 2017 judgment, granting exceptions of no cause of action and *res judicata* to a petition to nullify the 2015 ruling, did not cause the constitution injury stated in the Complaint. It simply left uncorrected the injury caused by the illegal act of the appellate court judge.

Review of the state judgments is not needed

Review of the state court judgments is not required because they did not cause the injury complained of. It does not take a review to determine that the court of appeals did not have subject matter jurisdiction over the legal paternity issue in 2015. The question of subject matter jurisdiction is not “inextricably intertwined” with the judgment itself. It is supposed to be routinely determined before the court takes up the issues in the assignment of errors.

The Louisiana Court of Appeals’ March, 2017 judgment, which affirmed the Louisiana district court’s granting of the exceptions of *res judicata* and no cause of action to the action to nullify the 2015 judgment does not require review either. The district court did not rule on whether the court of appeals had subject matter jurisdiction over legal paternity in the 2015 Judgment. Jenkins attorney argued it but the district court ruled that the action to nullify the ruling of the court of appeals had prescribed, and with only that ruling it granted the exceptions. Therefore, when it went up on appeal, the Louisiana Fifth Circuit did not have subject matter jurisdiction to rule on the subject matter jurisdiction issue.

The role of the disciplinary system in this case

The Opposition Brief stated that the disciplinary action that does not allow attorney Abadie to be enrolled in the SCOTUS bar was the result of her “handling” of the Jenkins case. The facts show that is incorrect. The disciplinary action was initiated by attorney Kristyl Treadaway’s Complaint to the Office of Disciplinary Counsel. Her letter of Complaint is dated September 16, 2015, which shows she filed it after she received by fax on September 14, 2015 the letter dated September 15, 2015. It accused her and ADA O’Rourke of collusion with Judge Murphy. See Appendix to Reply Brief: letter on pages 1-3, and complaint to ODC on pages 4-7. To get ahead of any revelation of what had occurred, she filed the complaint.

Abadie relied on facts proven by court documents in making the accusation. Disciplinary counsel, the Committee, and the Board were given the court documents that are included in the Appendix and Supplemental Appendix to this Complaint. Abadie expected that the truth of the accusation would be her defense to the disciplinary charges based on the rules of professional ethics.

Louisiana Rules of Professional Conduct
Rule 8.2 Judicial and Legal Official

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge

In re Mire, 2005-1453 (La. 2/19/16), 197 So.3d 656, is a disciplinary proceeding against an attorney who alleged that a judge had a part of the court’s recording of a hearing spliced out. Attorney Mire had expert testimony that supported this contention. Justice Weimer dissented from the majority Opinion:

The Court of Appeals affirmed the granting of the exceptions without giving a reason. Pages before its ruling, the opinion claimed it had subject matter jurisdiction when it ruled in 2015 but since that issue was not decided by the district court those comments are mere *dicta*. Therefore, with the state court judgments not being the cause of the civil rights injury, and with no need to review them, the federal district court has jurisdiction to hear this civil rights action.

The Void *ab Initio* Exception to the *Rooker-Feldman* Doctrine

After inexplicably finding that the state appellate court had subject matter jurisdiction over legal paternity in the Jenkins case, the Federal Fifth Circuit incorrectly found it unclear if the circuit had adopted the void *ab initio* exception. It really did not state why or how *Burciaga v. Deutsche Bank Nat'l Trust Co.*, 871 F.3d 380 (5th Cir. 2017) was "unclear." *Burciaga* clearly stated: "The *Rooker-Feldman* doctrine is inapplicable to [the] counterclaims for two independent reasons. First, the Vacating Order was not a final judgment...Second, the ...Order is void under Texas Law...." (Emphasis added.) *Id.* at 386.

That statement indicates that the Texas court judgment was void *ab initio* and for that reason alone it could not block federal lower court jurisdiction under the *Rooker-Feldman* doctrine. Instead of dealing with *Burciaga* in the Opposition Brief, respondent argues *Turner v. Chase*, 334 F.Appx.657 (5th Cir. 2009). In *Turner* the plaintiff challenged a state court divorce decree. She asked that it be determined to be void based on fraud but she did not claim lack of subject matter jurisdiction as the basis for declaring it void. *Turner* is not analogous to the Jenkins case for that reason.

We are required to evaluate the totality of the facts in this record to determine **if there is an objective factual basis** for the attorney to have made the allegations. In performing this evaluation, “we must not create an environment in which **an attorney, who is duty bound to report concern about our judicial system**, will become too timid in alleging a concern due to fear of being disciplined.” *Mire* at 670. (Emphasis added.)

Despite the proof, disciplinary counsel and the individuals, unknown to Abadie, that were on the Hearing Committee and Disciplinary Board did not notice violation of due process by Judge Murphy; the misrepresentation of the district court judgment in Treadaway’s writ application; or Judge Burmaster’s total memory loss that he had set legal paternity for trial, that gave a more than reasonable basis for her allegation to opposing counsel. However, Disciplinary Counsel combed the extensive pleadings and memoranda for anything they could possibly be construed as a mistake by Abadie. It appears the disciplinary system is being used against an attorney who complains about a judge’s malfeasance. Treadaway could go to the disciplinary office without a concern that it would notice what she had done. Not a word about that has been acknowledged by Disciplinary Counsel, the Committee, or the Board. In the hearing the Board asked few questions. Its main interest was to ask for an apology to Judge Murphy. An apology from Abadie would undermine this 42 U.S.C.:1983 action. Pressure was applied by Disciplinary Counsel asking for an increase in the punishment recommended by the Committee. It went from six months to a year of suspension. This was done knowing that litigation was in the Federal Court System. Disciplinary Counsel disregards what *Rohi v. Brewer*, No.20-20005, (5th Cir. 10/28/20) described as “... the sworn duty of every member of the legal profession –to subordinate his or her own interest

to those of the client." The disciplinary case is going to the Louisiana Supreme Court.

As for all of the judges who have seen this case, only one found that the Louisiana Court of Appeals did not have subject matter jurisdiction to decide legal paternity. Under these circumstances a hearing by this Honorable Court is needed to recognize and discourage favoritism to a judge who violates due process of law.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mark Jenkins", written over a horizontal line.

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MARK ANTHONY JENKINS,

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v.

TIMOTHY O'ROURKE, Jefferson Parish Assistant District Attorney,
Jefferson Parish Juvenile Court; ROBERT M. MURPHY, Former Judge of
the Louisiana Fifth Circuit Court of Appeal; KRISTYL TREADAWAY;
BARRON BURMASTER. Judge, *Respondents*

APPENDIX TO REPLY BRIEF

pages

1. Letter faxed to Attorney Treadaway and ADA O'Rourke

Written by Cecelia Abadie. Not mailed to addressees ...1-3

2. Complaint filed by Attorney Treadaway to ODC4-7

Cecelia Farace Abadie
Attorney at Law
20 White Drive
Hammond, Louisiana 70401
Phone & fax: 985-542-7859

September 15, 2015

The Honorable Paul Connick
District Attorney, Jefferson Parish
200 Derbigny Street
Gretna, Louisiana 70053

The Honorable Chris Broadwater
Louisiana Representative
112 S. Cypress Street
Hammond, Louisiana

Note:

Never
sent to
addressees
only to those
listed under
C.C.

Re: Jenkins v. Jackson, 24th JDC, No. 711-419, Div. "A"
Fifth Circuit, No. 13-C-296
Fifth Circuit, No. 15-C-399
Supreme Court, No. 15-CJ-1621

State of La. in the Interest of Mark Jenkins Jr. v. Mark Jenkins Sr.,
No. 2003-NS-1371, Juvenile Court, Jefferson Parish, Section C

Dear District Attorney Connick and Representative Broadwater:

I am writing to inform you of what appears to be collusion in the judicial process resulting from the relationship between the Department of Children and Family Services, the Juvenile Court system, and Judge Robert Murphy of the Fifth Circuit Court of Appeal.

I am the attorney representing Mark Jenkins Sr. in the above referenced actions. Recently, DCFS and Judge Murphy appear to have colluded to prevent the hearing of the issue of legal paternity in Juvenile Court on June 15, 2015. Ms. Treadaway, attorney for Ms. Jackson, requested and obtained a legally unnecessary continuance from Juvenile Court so that her writ application from a February 4, 2015 Judgment of the 24th JDC could be used as the opportunity for the Fifth Circuit to decide the legal paternity issue de novo. The issues of the existence of an authentic act of acknowledgment or legal paternity were not related to the Judgment from which the writ was taken.

This extraordinary maneuver was needed by DCFS because DCFS and Treadaway had already confessed in Juvenile Court that there was no authentic act of acknowledgment. By not having that evidence in the record of the 24th JDC, where the issue of the existence of an authentic act had never been litigated or decided, Judge Murphy was able to ignore the evidence in the Juvenile Court record and pick from the record in the 24th JDC selected evidence of a "judicial confession" to "an acknowledgment of legal paternity." Jenkins was thus deprived of the right to have the evidence in the Juvenile Court applied to the issue of an authentic act.

This maneuver could not have happened by chance: it had to be planned by DCFS and Judge Murphy. DCFS saw the confession in Juvenile Court to the non-existence of an authentic act of acknowledgment as an open door to possible reimbursement of child support for Mr. Jenkins. It consulted with Judge Murphy and it was only a matter of getting a continuance to stop Juvenile Court from deciding the issue of legal paternity, and then using the writ application taken by Ms. Treadaway to have Judge Murphy decide it.

I will be happy to send you a copy of my application for a writ of certiorari, which describes what happened and why. Also I can forward Judge Murphy's decision. It contains deliberate misrepresentations of the facts and law in an exercise to justify deciding the issue that was not within the scope of the writ application. Judge Murphy had to find a "judicial confession" to signing an authentic act of acknowledgment as a substitute for an actual authentic act of acknowledgment because only an authentic act of acknowledgment could make Mr. Jenkins the legal father under former C.C. Art. 203.

In 2008, DCFS (then DSS), had a bill sponsored to add a two-year prescriptive period on the right to revoke an authentic act of acknowledgment under La. R.S. 9:406. The representative of DSS, a Ms. Shaw, deliberately misrepresented the existing law when she appeared before Senator Murray of the Senate Judiciary Committee. She claimed that DSS could not obtain child support from the actual biological father when an acknowledger was not the biological father until the acknowledgment was revoked. Therefore, she claimed the child was left without support until the acknowledgment was revoked. That was absolutely untrue as R.S. 46:236.12D(1) shows DCFS could always go after the biological father for support.

DCFS actually wanted to prevent acknowledgers, who had been deceived, from revoking the acknowledgment after two years. Their obligation to pay support would go on until the child became a major. Ms. Shaw later became a Hearing Officer for DCFS. The video of her appearance before Senator Murray in the Senate Judiciary Committee meeting on April 22, 2008 is available on the legislature's website. In 2013, the Fifth Circuit interpreted the prescriptive period to apply to an authentic act executed in 1997 before the prescriptive period was enacted.

Representative Broadwater, since the reason stated by DCFS/DSS for the necessity of putting a prescriptive period on the right to revoke an authentic act of acknowledgment obtained by fraud was not true, I ask that you sponsor a bill to delete that prescriptive period from the statute, and make that deletion retroactive to cases like Mr. Jenkins.

Also, and more importantly, the show of power by which a legal issue was taken from the Juvenile Court before it could be decided and then decided de novo by the Court of Appeal means it can happen again. I ask that you sponsor a bill to enact a statute drawing a bright line between the scope of a writ application and the issue that the Court of Appeal can decide for the first time, on its own, and without giving the parties the opportunity to present evidence. The maneuver poses a threat to the integrity of the system and must be addressed.

As it is, the Department has too much power in the Juvenile Court and with the Fifth Circuit. I do not think there is even a pretense that ex-parte communications do not go on. Most people who go to Juvenile Court do not even have an attorney to fight for them. The playing field could be leveled if the public was informed of these problems and a light is thrown on how DCFS operates.

District Attorney Connick, the Department in this case failed to establish paternity before obtaining an order for support. In view of how relatively inexpensive it is for the state to obtain paternity testing, and because the law requires the state to offer a paternity test in an attempt to establish paternity in the circumstances of this case, there is no excuse for the state to fail in its obligation. However, when I spoke with Charles Higgins of the Department, he denied it had an obligation to establish paternity before obtaining an

order for support. The statute contradicts his statement. See R.S. 46:236.1.2 A(3), and law of this State that makes paternity the basis for the obligation to support a child.

The computation of probability of paternity in the DNA report on Samuel Scott, who is the man who claimed to be the father of Jackson's son shows a 99.999999997% probability that Scott is the biological father. It is in the record of the 24th JDC case. With it, I can prove that Latasha Jackson committed fraud on Mark Jenkins Sr. because the witness, to whom Scott confessed, also testified that Scott stated that he learned from Latasha Jackson that he was the father when the child was a baby in her arms. The boy was about six years old when Jackson and Jenkins contracted for support. She absolutely deceived him into supporting her son who was not his. That should come in under the hearsay exception if Mr. Scott fails to appear for trial.

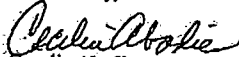
I will be setting the issue of Jackson's fraud for trial; and also the issue of negligence or fraud committed by DCFS. While fraud is a crime, my client only wanted monetary compensation for what he has paid due to fraud. Judge Murphy's finding of legal paternity, despite the evidence in the Juvenile Court record to the contrary, seems to prevent reimbursement. Ms. Jackson should not be rewarded for paternity fraud with continued child support from Mr. Jenkins, the victim. DCFS bears some responsibility for this injustice and should attempt to reach an equitable arrangement. I have written to and called ADA Timothy O'Rourke to speak with him but he does not respond to my messages. District Attorney Connick, I hope that you can encourage an equitable solution to this unjust situation, and that is why I have appealed to you.

DCFS is pursuing Mr. Jenkins for past due support that was suspended during some periods of this litigation plus current monthly support until the boy, born on September 17, 1997, graduates from high school. Jackson and her son are not in necessitous condition. He is her only child and she is an educated working woman who lives with her second husband. Mr. Jenkins has two sons in elementary school and he is employed as a bus driver. He is a good man who should be given justice, and his own children need his support.

I cannot explain why the Supreme Court did not act to prevent this travesty from happening again, but I am heartened that there was at least one person on the court who was willing to state that he was appalled by what has happened here. Included with this is a copy of the Supreme Court's action on the writ of certiorari. Sometimes that is enough to bring the truth out. I beg for justice, and for a system that is designed to prevent cronyism.

Please contact me if you need any more information. I can forward copies of Judge Murphy's decision and my application for writ of certiorari if you want to read them. Thank you for taking the time to read this and I pray that his can be resolved equitably.

Respectfully,


Cecelia Abadie
Attorney at Law

c.c. Timothy O'Rourke, DCFS
Attorney Kristyl Treadaway

Received Time Sep. 14. 2015 12:41PM No. 8472

Sandra S. Salley*
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September 16, 2015

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Re: Cecelia Farace Abadie
24th JDC, No. 711-419, Div. A
Jefferson Juvenile Court No. 2013-NS-1371
5th Circuit Court of Appeal, No. 2015-C-399
Supreme Court No. 2015-CJ-1622

Dear Sir or Madam,

Ms. Abadie is the opposing counsel in two separate domestic matters, both involving the same parties. Litigation began in February, 2012. While Ms. Abadie has always attacked my client, Ms. Latasha Tuckson, in her pleadings, she recently began directing her attacks at me before various Courts. Most recently, Ms. Abadie is now attacking the Department of Children and Family Services and Judge Robert Murphy of the 5th Circuit Court of Appeal. Given Ms. Abadie's recent actions, specifically her getting even more hostile toward not only me, but the Court, I have no choice but to bring her behavior to your attention.

The parties, Mr. Jenkins and Ms. Tuckson, had a child in 1997. The father acknowledged the child by signing his birth certificate. Mr. Jenkins subsequently married Ms. Tuckson. The parties later divorced and Mr. Jenkins was ordered to pay child support. In 2012, the father had suspicions that he was not the child's father. Ms. Abadie, representing the father, filed a Petition to revoke the father's acknowledgment and to terminate the child support. I do not believe that Ms. Abadie practices domestic law on a regular basis. Therefore, she did not realize that accomplishing this task was a two step process, first by revoking the formal acknowledgment in District Court and, if successful, terminating the child support in Jefferson Juvenile Court. Instead, Ms. Abadie filed numerous pleadings between both Courts asking for things to which she was not legally entitled. This resulted in mass confusion for all involved.

In an effort to keep the history of this case as brief as possible, I will explain the main points for the 24th Judicial District Court case before I explain the Jefferson Juvenile Court case. The two overlap, which creates the confusion but I will try to simplify it as much as possible. Ms. Abadie filed a Petition to revoke Mr. Jenkins' formal acknowledgment and for damages on February 16, 2012 in 24th Judicial District Court before Judge Steib. Ms. Tuckson's prior counsel filed an Exception of Prescription alleging that the cause of action was prescribed pursuant to La. R.S.

9:406 (one of two statutes under which a request to revoke a formal acknowledgment must be made). This exception was denied by Judge Steib at the trial court level. An Application for Supervisory Writs were taken and the 5th Circuit granted writs. The 5th Circuit found that the cause of action was prescribed under La. R.S. 9:406 but remanded the case to 24th Judicial District Court for Ms. Abadie to proceed under another applicable statute. Ms. Abadie requested rehearing by the 5th Circuit, which was denied. She then sought writ of certiorari with the Supreme Court, which was not considered since it was not timely filed.

I enrolled in the instant case at this time. A DNA test was taken which proved that Mr. Jenkins was not the child's biological father. There were several pointless pleadings filed by Ms. Abadie in 2013, which I will not discuss here. In 2014, Ms. Abadie's professionalism severely declined. An example of that was a courtesy copy of Petition for Nullification of the Judgment of the Fifth Circuit Which Reversed a Judgment of This Court that I received on June 25, 2014. The District Court cannot nullify an Appellate Court decision but she attempts to have this done.

She then filed a Rule to Show Cause to remove Mr. Jenkins' name from the birth certificate. She makes assertions and arguments not supported by law. For example, in her October 17, 2014, Rule, she alleges that hearsay statements can be an exception to the hearsay rule when the hearsay statement is made by the father of the child. I am unaware of any rule in the Louisiana Code of Evidence that supports such an assertion. I filed an Exception of Prescription on November 20, 2014, alleging that there is no statute under which this case can proceed. There are only two statutes under which a party can proceed in this type of case. The 5th Circuit already ruled that one of them was prescribed. I filed an Exception saying that the action was prescribed under the other statute as well. Ms. Abadie filed numerous memorandums opposing my exception. I filed a reply memorandum. The hearing on Ms. Abadie's request to remove Mr. Jenkins name from the birth certificate and my Exception was on January 21, 2015. The trial court denied the Exception of Prescription, found Mr. Jenkins to not be the father of the minor child, but took under advisement the issue of removing his name from the birth certificate. The Court subsequently denied Ms. Abadie's request to remove the father's name from the birth certificate.

On February 9, 2015, Ms. Abadie filed for a name change with the Court. To my knowledge, a Judgment effecting a name change was never signed by the Court. I filed a Motion and Order for Appeal on February 25, 2015. After I filed my appeal, Ms. Abadie sent the District Court's Judgment (finding Mr. Jenkins' not to be the child's father) to Vital Records and had the child's birth certificate re-issued, removing Mr. Jenkins as the father and changing the child's last name. Ms. Tuckson was appalled that such measure could be taken without her knowledge. I personally spoke with Vital Records and they were not aware of the pending appeal (this will be discussed later in the Juvenile Court portion).

In May, 2015, Ms. Abadie filed a Motion to Dismiss my appeal on the grounds that it should have been an application for supervisory writs. The 5th Circuit dismissed my appeal but gave me 30 days to file for supervisory writs. The 30 day deadline would have been June 25, 2015. I filed my Application for Supervisory Writs on June 23, 2015. Ms. Abadie filed an Opposition for my Application on June 30, 2015. Her Opposition cited events that never happened, including an implied inappropriate demeanor by me while in Jefferson Juvenile Court. Ms. Abadie used her Opposition to my Application for Supervisory Writs as an opportunity to insult me, even though said insults had no bearing on the writ application. My Application for Supervisory Writ was for a February, 2015, Judgment from 24th Judicial District Court. Ms. Abadie relied on imaginary events from a June, 2015, hearing from Jefferson Juvenile Court, all in an attempt to undermine me to the Court.

The Fifth Circuit granted my Application for Supervisory Writs. Ms. Abadie requested rehearing from the Fifth Circuit, which it denied. She then filed for a stay and for writ of certiorari from the Louisiana Supreme Court, both of which were denied.

Her most recent attack was received on September 14, 2015, where Ms. Abadie accuses Judge Murphy and Department of Children and Family Services of colluding to prevent her case from going forward. She accuses me of requesting an improper and unnecessary continuance from Juvenile Court, which Juvenile Court granted, so that Judge Murphy could take the Writ Application and grant it. This assertion could be no further from the truth and such a statement is highly offensive to all parties maligned.

While all of the aforementioned things are occurring with the 24th Judicial District Court case, there is also a pending case before Jefferson Juvenile Court. Ms. Abadie did not realize that she could not stop Mr. Jenkins' child support obligation while he was still the legal father. Ms. Abadie filed numerous Petitions with Jefferson Juvenile Court, which were denied by the Court. Finally, in 2014, I filed an Opposition to her requested relief, specifically stating the proper procedure for what Ms. Abadie wished to accomplish. Due to the attorney's fees that Ms. Tuckson incurred to defend all of the unnecessary motions filed by Ms. Abadie, I requested that she be sanctioned for her behavior. Judge Burmaster denied my request at that time.

After Judge Steib ruled that Mr. Jenkins was not the child's legal father, Ms. Abadie filed to terminate Mr. Jenkins' child support obligation, which came for hearing on February 23, 2015. Judge Burmaster did not terminate Mr. Jenkins' child support obligation at that time because Mr. Jenkins' name was still on the birth certificate. It was then that Ms. Abadie had his name removed without letting anyone know of her actions. On March 29, 2015, after I filed for an appeal of the 24th Judicial District Court Judgment, she filed a Rule stating that Mr. Jenkins was removed as the father on the child birth certificate and to terminate the child support obligation. This came for hearing on April 27, 2015. At this hearing, I was given 30 days to address whether Mr. Jenkins should still be the legal father. I filed my memorandum on May 26, 2015, stating that the birth certificate was improperly altered (specifically stating how it was improperly altered). Further, because the appeal was still pending, Jefferson Juvenile Court should not take any action until all appellate review was complete. I mailed a courtesy copy of my memorandum to Ms. Abadie on the same date. For some reason, she did not receive it by May 29th. I then faxed her a copy of my memorandum. In her Opposition, Ms. Abadie told the Court that I intentionally did not send her my Memorandum so that she did not have 7 days to respond. This cannot be further from the truth. I only practice family law and have done so for almost six years. I am very much capable of not falling into the "drama" of my cases and maintaining my professional composure in my practice. I do not make things personal for the opposing attorney. Having such a statement made to the Court is disturbing. Her memorandum goes on to state that I refused to obey a Court order, which is also completely false.

The matter came before Judge Burmaster on June 15, 2015. I issued a trial subpoena to Robin Lewis of Louisiana Vital Records to testify regarding the information she knew or did not know when the request to change the child's birth certificate was made. Had Ms. Lewis known all of the facts, she would not have amended the birth certificate.

Judge Burmaster stayed everything until the appellate review was complete. At this June 15, 2015, hearing, Ms. Abadie repeatedly stated that my appeal was dismissed by the 5th Circuit. I informed her and the Court that while my appeal was dismissed, I had 30 days to apply for Supervisory Writs. Ms. Abadie asked me, in Open Court, why I had not sent her a copy of my

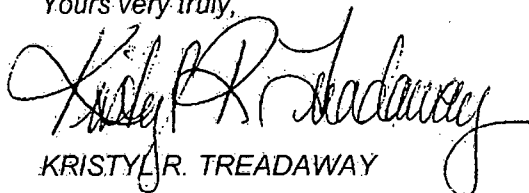
Application for Supervisory Writs. Of course, at this time, she had not received my Application for Supervisory Writs because they were not due with the Court yet. At no time, EVER, did I "smile and shrug as if [I] could not understand why" she did not receive my Writ Application, as stated by Ms. Abadie in her Opposition to my Writ Application.

I am absolutely disgusted by Ms. Abadie's lack of professionalism. I was rather irked by her statements in her memorandums and correspondence to the Court in the beginning of June. I was completely appalled by her statements to the Fifth Circuit. And now that she has lost all appellate review, she simply cannot accept defeat. She is now accusing various departments of state, and Appellate Judges of improper behavior. Her actions are an insult to the judicial system. As a domestic attorney, it takes a lot to insult me and I am astonished by Ms. Abadie's lack of professionalism in this case. As a member of a bar, and an officer of the Court, I feel it is my responsibility to bring her behavior to the board's attention.

Enclosed please find the pertinent pleadings and correspondence that support the instant complaint. Should you wish that I supplement with additional pleadings and letters, I will do so. I realize that this is a very complicated matter. If I can address any questions for you, please feel free to call me at the above listed contact information. You can also reach District Attorney Timothy O'Rourke at (504) 364-3609 as he also has first hand knowledge of Ms. Abadie's unprofessional behavior.

With kindest regards,

Yours very truly,


KRISTY R. TREADAWAY

KRT
enclosures