

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
LEGAL COMMITTEE MEETING
HELD ON MARCH 16, 2023**

PRESENT: Roy M. Arrigo, Acting Chair, Committee Member
Thomas G. Fierke, Committee Member
Derek N. Rabb, Committee Member

The Legal Committee of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) met on March 16, 2023, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, LA. Due to Mr. Duplantier's absence, Mr. Arrigo chaired and called the meeting to order at 10:05 a.m.

Opening Comments: None

Adoption of Agenda: The Committee approved the agenda as presented.

Approval of Minutes: The Committee approved the minutes of the meeting held on November 17, 2022.

Public Comments: None.

Report of Executive Counsel:

Kirk Ordoyne, Executive Counsel, reported that there were no significant developments in litigation; however, a number of trial and hearing dates had been scheduled.

New Business:

A. Review of dates of upcoming hearings.

Mr. Ordoyne advised that Mr. Duplantier, Legal Committee Chair, requested that an update be provided on upcoming trial and hearing dates:

- Odeh v. East Jefferson Levee District Police Department and its named Officers (Civil Rights litigation) – Trial has been set in federal court before Judge Guidry for August 21, 2023.
- Hampton and Williams v. Orleans Levee District and its named Police Officers (Civil Rights litigation) – Trial has been set for October 2, 2023.
- Hankins v. the FPA and Orleans Levee District and its named Police Department Officers (Civil Rights litigation) - A jury trial has been set in federal court for September 11, 2023. A motion for summary judgment has been scheduled for March 29, 2023. Should the outcome of the summary judgment be in the FPA's favor, the case may be dismissed.

Civil Service Appeals:

- In the case of a named employee, who was an Orleans Levee District (O.L.D.) Police Officer, his appeal is scheduled before the referee on July 14, 2023.
- In the case of 3 named employees, which is a combined appeal of three East Jefferson Levee District Police Officers, their appeals are scheduled for March 30, 2023. The witnesses will probably not be heard in one day due to number (about eight witnesses combined for both sides); therefore, the appeal will likely be rescheduled for a later date.
- In the case of a named employee, who was an O.L.D. Police Officer, his appeal is scheduled for April 26, 2023.
- In the case of a named employee, who was an O.L.D. Police Officer, his appeal is scheduled for April 27, 2023.
- In the case of a named employee, who was an O.L.D. Police Officer, his appeal is scheduled for April 28, 2023.

The cases of 3 named employees scheduled for hearings in April are not combined, but involve the same matter.

- In the case of a named employee, who was an O.L.D. Police Officer, his appeal is scheduled for July 28, 2023.

Mr. Ordoyne advised that the FPA was recently informed about the shortage of referees for Civil Service appeals and that cases are being scheduled as far out as June and July. Therefore, should an appellant be successful, the FPA would be required to pay more months of back pay.

Mr. Rabb inquired about the case entitled Joseph Robert v. O.L.D., which involves a 6-foot zone along the London Avenue Canal and class certification. Mr. Ordoyne advised that his last communication with counsel was several weeks ago and his understanding was that the FPA is still waiting on the court's decision regarding class certification.

Mr. Rabb inquired about the number of cases relative to discrimination or civil rights and about training for levee district police officers to prevent these types of situations. Kelli Chandler, Regional Director, responded that many of these cases are older cases. The FPA implemented several different trainings for levee district police officers for both critical incident management and dealing with the public. Mr. Rabb asked that he be sent something in the near future on the trainings that have been instituted.

Mr. Rabb commented that there are a number of police officers who have Civil Service appeals and asked whether police details were involved. Ms. Chandler responded that three of the officers were subject to an investigation and had claimed to work details, but were at home. These cases were referred to the District Attorney (DA). Mr. Ordoyne explained that the cases are in the screening process at this time and that a subpoena was submitted for records. The records were recently provided to the DA's

office. The cases are currently in the Screening Division, which will decide whether or not the charges are accepted.

There was no further business; therefore, the meeting was adjourned at 10:18 a.m.