

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
LEGAL COMMITTEE MEETING
HELD ON JUNE 15, 2023**

PRESENT: Richard G. Duplantier, Jr., Chair
Roy M. Arrigo, 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 June 15, 2023, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, La. Mr. Duplantier called the meeting to order at 9:30 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 May 18, 2023.

Public Comments: None.

Report of Executive Counsel:

Kirk Ordoyne, Executive Counsel, provided an update on the status of litigation:

Uninsured litigation:

- Joseph Robert vs State of Louisiana – On May 22nd the FPA filed an appeal to the Louisiana Court of Appeals for the 4th Circuit.

Insured litigation:

- Mallory, Randolph, et al vs Ledet – The FPA is working to resolve the case and outside counsel has been contacted.
- Corey Chimento vs East Jefferson Levee District – The case is in the discovery phase.
- Coleman vs Orleans Levee District (O.L.D.) – The case was settled with the two plaintiffs for a reasonable amount.
- Roger Martin vs Myles Ledet – Outside counsel who had been representing the FPA left the firm and Lena Giangrosso, who is a partner with the Lewis Brisbois law firm, has taken over the case. Ms. Giangrosso is working on discovery.
- Tyler Johnson vs O.L.D. – Ms. Giangrosso has taken over this case.

- Valencia Grimes et al. v. Kenney Warren et al. (O.L.D.) – This is new litigation regarding an April 3, 2022, motor vehicle accident with an O.L.D. Police Officer. The case was quickly resolved and closed in a matter of weeks for a minimal amount for the four plaintiffs.

Police actions / Civil Rights litigation:

- Odeh vs East Jefferson Levee District Police Department and its named Officers – Depositions are currently being taken.
- Thomas vs East Jefferson Levee District – The FPA was granted a motion for summary judgment in its favor on qualified immunity. The plaintiff has filed an appeal.
- Hampton and Williams vs Orleans Levee District and its named Police Officers – The case is in the discovery phase.
- Hankins vs the FPA and the Orleans Levee District and its named Police Officers – Oral argument was recently presented on the motion for summary judgment and qualified immunity. The FPA is awaiting the judge’s decision.

Workers Compensation:

- Michael St. Philip – Case was settled.

Mr. Ordoyne advised that several cases were moved to federal court; however, because an EEOC claim was involved, the cases could not be discussed in public. He also advised that he has been working with outside counsel on many of the cases in an attempt to settle the matters for minimal amounts. He stated that he was happy with the outcome of some of the cases that have been settled.

Mr. Duplantier explained that the FPA and Gallagher are still in negotiations with Chubb regarding insurance coverage for the police claims. If a final resolution is not reached in the FPA’s favor prior to the next meeting, outside counsel will be hired to pursue Chubb’s coverage of the claims. He was hopeful that the problem with Chubb would be worked out so that a legal dispute could be avoided. If required, outside counsel and a budget will be identified for approval at the next meeting. FPA staff will ensure the issue is taken care of, either by removing the clause or changing coverages, prior to renewing the policy next April.

Mr. Rabb asked the total general amount of the recent settlements. Mr. Ordoyne advised that he did not have the number with him and that he would provide it.

New Business:

- A. Approval of a budget in the amount of \$25,000 for the legal services of Burglass and Tankersley, LLC, for the appeal process through the Louisiana Supreme Court in the litigation entitled, “Joseph Robert v State of Louisiana, Orleans Parish, No. 2016-9374”.**
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Mr. Duplantier explained that Burglass and Tankersley provided a budget of \$25,000 for the appeal of the Joseph Robert v State of Louisiana case through the Louisiana Supreme Court. He requested approval of the budget, which he thought was a little low.

Mr. Fierke asked was \$25,000 a reasonable amount for the budget. Mr. Duplantier explained that he asked Burglass and Tankersley to provide a budget and to be generous in what they thought would it would actually cost and cautious so that he would not have to come back to the Board, and they provided a budget of \$25,000. He pointed out that Burglass and Tankersley would have to live by the budget that they provided. Mr. Ordoyne added that Mr. Duplantier made it clear to Burglass and Tankersley that he wanted a budget for the process all the way through the Louisiana Supreme Court.

Mr. Duplantier explained that at the case's current stage, a brief will be needed to the 4th Circuit Court and potentially a brief will be needed to the Louisiana Supreme Court. If the 4th Circuit Court does the right thing and reverses the decision, he hoped that the Supreme Court does not take writ and allows the case to die at the 4th Circuit Court. If the 4th Circuit does not reverse the decision, the FPA will have to appeal to the Louisiana Supreme Court. He pointed out that Burglass and Tankersley is subject to the billing rates approved by the Louisiana Attorney General's Office; therefore, the budget may be reasonable. He pointed out that if the attorneys go over the budget, it is at their risk and not at the FPA's risk.

Mr. Duplantier offered a motion, which was seconded and unanimously approved, to recommend that the Board approve the budget of \$25,000.

There was no further business, therefore, the meeting was adjourned at 9:45 a.m.