

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

PRESENT: Derek N. Rabb, Chair  
Thomas G. Fierke, Committee Member  
Deborah M. Settoon, Committee Member  
William A. Settoon, Jr., Committee Member

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The Legal Committee of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) met on November 16, 2023, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, La. Mr. Rabb called the meeting to order at 10:30 a.m.

**Opening Comments:** Mr. Rabb reminded everyone about the confidentiality of information relative to active litigation and that the update/report to be presented was a high level status report.

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

**Approval of Minutes:** The Committee approved the minutes of the meeting held on August 17, 2023.

**Public Comments:** None.

**Report of Executive Counsel:** Report provided under New Business Item A.

**New Business:**

**A. Update on cases.**

Kirk Ordoyne, Executive Counsel, provided the following update/report on litigation:

**Uninsured litigation:**

- Joseph Robert vs State of Louisiana – Case on appeal. FPA filed a reply brief. Oral argument is set for November 8. FPA is waiting on a ruling.
- Campbell v. Cycle Construction, et al – A hearing was held on October 23, 2023, on an exception. FPA is waiting on a decision.

**Insured litigation:**

- Kimberly Taylor v East Jefferson Levee District (EJLD) and Richard Robinson – An EJLD Reserve Police Officer was working a paid detail in June 2019 at the Louis Armstrong New Orleans International Airport. The officer was called to an

Uber pickup location because of a disturbance and struck the corner of an airport shuttle. A passenger on the shuttle was suing for personal injuries. The FPA is determining whether a motion of abandonment can be filed.

- Mallory, Randolph, et al vs Ledet (motor vehicle accident) – Case is in the discovery phase.
- Corey Chimento vs EJLD (bicycle accident in Jefferson Parish) – Case is in the discovery phase.
- Roger Martin vs Myles Ledet (motor vehicle accident) – Case is in the discovery phase. The FPA received settlement demands.
- Tyler Johnson vs O.L.D. (motor vehicle accident) – Case is in the discovery phase.

#### **Police actions / Civil Rights litigation:**

- Malika Asante-Chioke vs EJLD – In discovery. Louisiana State Police (LSP) is a co-defendant. LSP was denied on their motion at the lower Federal Court and filed an appeal to the Fifth Circuit Court of Appeals. There is currently a stay on the matter.
- Odeh vs EJLD Police Department and its named Officers – Trial was continued without date. FPA is waiting on a decision on a motion for summary judgment.
- Thomas vs. EJLD – Case is on appeal. FPA is waiting on a judgment by the Fifth Circuit Court of Appeals.
- Hampton and Williams vs O.L.D. and its names Police Officers – FPA is waiting on a decision on a motion for summary judgment.
- Hankins vs. FPA and O.L.D. and its named Police Officers – Case was dismissed in the FPA's favor in Federal Court. On the 30<sup>th</sup> day the plaintiff appealed to the Fifth Circuit Court of Appeals.
- Debari vs. Badon – Case is in discovery.

#### **Louisiana State Civil Service Appeals:**

- Vontrell Nelson – Civil Service hearing is scheduled for January 18, 2024.
- Marvin Brown (former levee foreman) – Case was dismissed in FPA's favor.
- Ed Merida – FPA is waiting on a judgment from Civil Service.
- X-box cases – FPA settled with one of the four employees and waiting on a judgment for the other three employees.
- Cases in the Orleans Parish District Attorney's (DA) Office for prosecution for the alleged theft of paid detail money from the Yacht Club – One of the employees appealed. The defendants paid restitution to the Yacht Club; therefore, it was non processed by the DA's office. The Civil Service hearings will move forward.
- Benjamin Wilson - Civil Service hearing is scheduled for February 29, 2024.

- Jamel Brown (former Police Officer) – Case was settled.
- Ed Merida (Federal Court) – Trial is set for April 29, 2024.

Mr. Ordoyne advised that the FPA is waiting on rulings from Civil Service hearing officers, State Court or Federal Court on nine cases.

Mr. Fierke suggested that an executive session be held next month and that the FPA Superintendent of Police be requested to discuss improvements or new policies that he has instituted to deal with the quantity of pending litigation. He added that the Commissioners need to know more about what is going on. Mr. Rabb commented that Mr. Fierke's suggestion for an executive session is fine.

Mr. Settoon offered a motion, which was seconded by Ms. Settoon and unanimously adopted, to accept Executive Counsel's report.

There was no further business; therefore, the meeting was adjourned at 10:40 a.m.