

FILED BY FAX 10TH JUDICIAL DISTRICT COURT
DAVID STAMEY, CLERK PARISH OF NATCHITOCHES
10TH JDC, NATCHITOCHES PARISH STATE OF LOUISIANA

FILED: NUMBER: 90284 DIVISION: "A"
May 6, 2018, 2:29 P.M. CALVIN W. BRAXTON, SR.

RECEIVED AND FILED
DAVID STAMEY
CLERK OF COURT
2018 MAY 14 A 11: 09
BY: Stamey
DY CLERK
NATCHITOCHES PARISH, LA

VERSUS
LOUISIANA STATE TROOPERS ASSOCIATION AND
JAY OLIPHANT

PETITION

The Petition of Calvin W. Braxton, Sr., a resident of the full age of majority of Natchitoches Parish, Louisiana, respectfully represents:

1.

The defendants enumerated below are justly and truly indebted unto Petitioner, jointly and in solido as allowed by law, for all sums as are reasonable under the premises, legal interest thereon from the date of demand until paid, and all such other relief to which Petitioner is entitled at law or in equity:

1. Louisiana State Troopers Association (hereinafter "LSTA"), a Louisiana non-profit association, domiciled in East Baton Rouge Parish, Louisiana; and.
2. Jay Oliphant, a resident of the full age of majority of Natchitoches Parish, Louisiana.

2.

Petitioner is a life-long resident of Natchitoches Parish. Petitioner is a highly successful businessman. Petitioner, who came from humble beginnings, worked tirelessly not only to support his family, but also for the community and throughout the State of Louisiana helping those less fortunate. As a result of his hard work and industry, Petitioner enjoyed an excellent reputation as a businessman, family man, community leader, and pioneer.

3.

In 2015, Petitioner was asked by Governor Jindal to serve as a member of the Louisiana State Police Commission and he willingly undertook that volunteer, unpaid service to the citizens of the State of Louisiana on June 10, 2015. The Louisiana State Police Commission oversees the civil service of the Louisiana State Police and was created pursuant to La. Const. Art. X, Part IV.

4.

After assuming his position on the Louisiana State Police Commission, Petitioner became aware of several improprieties regarding the operation and then function of the Louisiana State Police. Specifically, on or about December 18, 2015, Petitioner became aware of political donations being made by members of the Louisiana State Troopers Association through its Executive Director, David Young. Namely, Petitioner learned that active classified members of the Louisiana State Police, through the Louisiana State Troopers Association (LSTA) were making political contributions and engaging in "political activities" and, further, that members of the State Police Commission were making political contributions while sitting as active members and officers of the State Police Commission. Pursuant to La. Const. Art. X, §47, "[N]o member of the commission and no state police officer in the classified service shall participate or engage in political activity; . . . make or solicit contributions for any political party, faction, candidate, or any political campaign. . . ." "[N]o person shall solicit contributions for political purposes from any classified state police officer or use or attempt to use his position to punish or coerce the political action of a classified state police officer." Pursuant to §47C, "political activity" "means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election."

5.

In addition to the prohibitions contained in the Louisiana Constitution, State Police Commission Rule 14.2 prohibits all members of the State Police Commission and classified members of the State Police Service from the following: "1. Participate or engage in political activity, including, but not limited to, any effort to support or oppose the election of a candidate for political office or support or oppose a particular party in an election . . . 4. Make or solicit contributions for any political purpose, party, faction or candidate; . . . 6. Take active part in the management of the affairs of a political party, faction, candidate, or any political campaign. . . 8. Directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political party, faction, or candidate, nor solicit or take part in soliciting any such assessment, subscription or contribution, and no person shall solicit any such assessment, subscription or contribution of any classified employee in the State Police Service".

6.

Upon receipt of the information in December, 2015, Petitioner, as part of the State Police Commission and through the Commission's Executive Director began an investigation of the prohibited political activities of current, active and classified members of the State Police Service. On January 14, 2016, it was discovered that the LSTA Executive Director had been making political contributions to various political candidates in his name, but that he was reimbursed by the LSTA from dues collected by LSTA from its members, including current, active members of the State Police classified service. Petitioner thereafter participated in a series of written notifications and oppositions to the political donations/activities of the LSTA, particularly as it related to the use of monies from classified civil servants for said activities.

7.

In 2016, Petitioner also witnessed the presence of a "private" bar, including the sale of alcohol at the Louisiana State Police Training Center workplace/site on State property. Said facility was not licensed as a liquor operator and utilized state facilities and funds for the purposes of the private sale of alcohol, in violation of Louisiana law. Petitioner reported his finding to his fellow Commission members and to several members of the Louisiana State Police, including its Superintendent and high-ranking LSP officials.

8.

Following his opposition to the unlawful acts and/or practices, Petitioner was subjected to retaliation.

9.

In January, 2016, immediately prior to the Commission's January, 2016, meeting, Petitioner received a telephone call from then special counsel to the Commission who advised that he needs to resign from the Commission and, if you do not resign, defendant LSTA will release information damaging to you and your family. At the Commission's January, 2016, meeting, Petitioner publicly questioned defendant LSTA's counsel, Mr. Floyd Falcon, and its Executive Director, Mr. Young, about the supposed "letter" and its location.

10.

On December 4, 2015, Petitioner's daughter was pulled over by LSP Trooper Jayson Linebaugh and charged with DWI 1st offense, speeding, improper lane usage, and an open container violation. The following morning, defendant Oliphant telephoned Petitioner about his daughter's arrest – of which Petitioner was already aware. Defendant Oliphant would later claim that he called Petitioner "as a courtesy", but such phone calls by LSP officers, especially of the Rank of Captain like Oliphant, rarely, if ever occur. By the time of defendant Oliphant's telephone call, Petitioner's daughter had already accepted responsibility for her actions and hired a lawyer. Petitioner's daughter was an adult.

11.

Thereafter, defendant Oliphant contacted Petitioner and they had at least three (3) more conversations. During the conversations, defendant Oliphant broached the subject with Petitioner about if he, defendant Oliphant, should discipline or take action against the arresting officer.

12.

No further contact occurred between Petitioner and defendant Oliphant and the matter was closed in December, 2015. Petitioner's daughter was prosecuted and, as with the overwhelming majority of 1st offense DWI charges, she participated fully in the pretrial diversion program offered to her and others similarly situated. In other words, Petitioner's daughter accepted responsibility, was treated identically to others similarly situated, and performed all community service and tasks requested of her by the District Attorney's Office.

13.

However, on June 2, 2016, nearly six (6) months after the arrest of Petitioner's daughter, defendant Oliphant inexplicably authored an "Incident Report" accusing Petitioner of committing the crimes of public intimidation, threatening an officer, and interfering with an investigation, all as set forth in his June 2, 2016, document.

14.

Upon information and belief and therefore Petitioner alleges, defendant Oliphant prepared the June 2, 2016, document at the request of and in conjunction with defendant LSTA to publicly

humiliate Petitioner and his family, to punish, and to retaliate against Petitioner for his opposition to the unlawful activities set forth above.

15.

Defendants Oliphant and LSTA then caused the June 2, 2016, document to be published to the media, Governor Edwards, the State Police Commission and its members and employees, and several prominent public officials. This publication was effectuated through an LSTA letter dated July 11, 2016, a copy of which is attached hereto and made part hereof.

16.

In the July 11, 2016, publication, defendants LSTA and Oliphant not only falsely accused Petitioner of committing crimes, but specifically sought criminal prosecution of Petitioner and removal from office.

17.

The contents of the June 2, 2016, report and July 11, 2016, letter are false.

18.

Thereafter, Petitioner remained on the Commission and continued his participation in the investigation into the unlawful activities set forth herein. In other words, Petitioner refused to resign even considering pressure exerted upon him by the defendants to do so.

19.

In June, 2017, the Commission was set to release its report concluding that the LSTA and troopers had unlawfully made political contributions.

20.

In advance of the upcoming Commission meeting, defendant LSTA issued another letter dated June 19, 2017, again accusing Petitioner of several crimes, seeking prosecution of Petitioner, and public hearing against Petitioner regarding the false charges. Included with the June 19, 2017, letter, a complete copy of which is attached hereto, was the original July 11, 2016, letter, and June 2, 2016, letter.

21.

Petitioner contends the June 19, 2017, letter is false, defamatory, and/or constitutes defamation per se for which defendant LSTA and Oliphant are liable. Petitioner further submits that the July 11, 2016, letter and June 2, 2016, letter constituted republication of false, defamatory statements against Petitioner for which defendants LSTA and Oliphant are liable.

22.

Petitioner further shows that the statements by defendants LSTA and Oliphant were made with malice, actual and implied, and, further, as the statements were defamatory per se, any requirement of demonstrating malice is dispensed with.

23.

On February 2, 2018, Petitioner caused to be sent the attached public records request to defendant Oliphant and the Louisiana State Police. Petitioner contends that a copy of his February 2, 2018, public records request was also provided to defendant LSTA.

24.

Thereafter, defendant Oliphant caused to be published on his Facebook page, the attached posting. In it, defendant Oliphant falsely accuses Petitioner of committing various crimes: "I refused to succumb to personal attacks, purely due to an ethical decision I made in Dec. 2015" [referring directly to his false accusations that Petitioner threatened and/or intimidated him], "this local business man has allegedly hired private investigators or 'someone' to follow me and watch my every move", "I have observed a suspicious vehicle(s) near my residence, which have been confirmed to have a direct connection with this local and wealthy businessman", "this one has me concerned simply due to safety reasons" falsely asserting and/or implying that Petitioner would cause him physical harm, "this is a clear and obvious attempt to continue to intimidate and retaliate against me for not giving him what he wanted, in that, I adamantly refused to reassign and/or relocate the officer who arrested his daughter", "due to the decision I made in Dec. 2015, not only am I still paying for it, but the arresting officer is as well."

25.

The statements contained in defendant Oliphant's post are false, defamatory and/or

defamatory per se. Petitioner contends that the statements by defendant Oliphant were made with malice, actual and implied, and, further, as the statements were defamatory per se, any requirement of demonstrating malice is dispensed with.

26.

Petitioner shows that the defamatory statements set forth herein were published by defendants, and republished by defendants throughout the State of Louisiana, including in Natchitoches Parish.

27.

As a result of the situation sued upon herein, Petitioner sustained damages which include but are not limited to, loss of his reputation and standing in the community, having to incur attorney's fees and expenses to fight the false allegations by the defendants, including defendants' publication/republishing of the false information to state organizations causing Petitioner to have to hire attorneys to combat the false statements, severe and extreme emotional distress and mental anguish, humiliation, embarrassment, loss of earning capacity, and all such other damages as will be more fully shown at trial of this matter and all for which Petitioner sues for herein.

28.

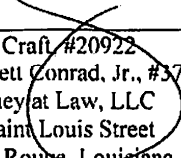
Petitioner is entitled to and desires an award of all such other relief to which he is entitled at law or in equity.

29.

Petitioner is entitled to and desires trial by jury of this matter.

WHEREFORE, Petitioner, Calvin W. Braxton, Sr., prays for trial by jury and after due proceedings are had that there be Judgment herein in his favor and against defendants, Louisiana State Troopers Association and Jay Oliphant, jointly and in solido as allowed by law, for all sums as are reasonable under the premises, legal interest thereon from the date of demand until paid, and all such other relief to which Petitioner is entitled at law or in equity.

Respectfully submitted,

By: 
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PLEASE SERVE:

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Through its Executive Director
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Baton Rouge, Louisiana

Jay Oliphant
At his place of employment,
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Alexandria, Louisiana 71301