



NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

44-1237

May 23, 2006

Ms. Jill Fuchs
Deputy Executive Director
Pennsylvania Board of Law Examiners
5070A Ritter Road, Suite 300
Mechanicsburg, PA 17055

Re: Application of Richard Ducote for admission to the Pennsylvania Bar

Dear Ms. Fuchs:

It is my privilege to recommend Richard Ducote for admission to the Pennsylvania Bar. I am the co-director of the Family Violence Department of the National Council of Juvenile and Family Court Judges, and our work brings us into close contact with national experts from the varied disciplines that work on issues of child custody and child protection in the context of domestic violence. Our mission is to help courts do a more appropriate and effective job of meeting the needs of adult victims of domestic violence and their children, who often are direct victims of the violence as well.

We and other national policy makers in our field often consult with Mr. Ducote, who is widely recognized in the national domestic violence and child sexual abuse communities as one of the premier litigators in the country on behalf of these victims, adult and child. He specializes in the toughest cases, often involving the most complex issues of interstate custody disputes, where the safety of the victimized parties depends upon the outcome of their cases. He has a national reputation as a fierce and tireless advocate for his clients, and his reputation for integrity is above reproach.

He is not without controversy, it is true. He brings messages that may be uncomfortable for courts to hear, for instance, that in some cases their families are the most dangerous places for people to be, and that the right to be safe must trump any notion that parents have an unqualified right of possession of their children. He demands from overburdened courts looking for a one-size-fits-all approach that his clients receive full and fair consideration, regardless of the court resources the process requires. For these reasons, many judges hate to see him coming, and individuals who take the position that they own their children and have the unqualified right to use them in any way they please consider him their arch-enemy. It seems to me that these sorts of activities are perfectly consonant with, and in fact, fulfill an attorney's ethical obligations.

Thank you for this opportunity to recommend Mr. Ducote to you. Please feel free to contact me if I can be of further assistance in this matter.

Sincerely yours,
Billie Lee Dunford-Jackson

Billie Lee Dunford-Jackson
Co-Director, Family Violence Department, NCJFCJ
775-784-6463 ljackson@ncjfcj.org

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April 3, 2017

Mr. Anthony J. Fontana, Jr., Esq.
Attorney at Law
210 N. Washington Street
Abbeville, LA 70510

Re: Respondent: Richard L. Ducote
Complainant: Anthony J. Fontana, Jr.
Our File No.: 0035023

Dear Mr. Fontana:

We have concluded our investigation into the facts and surrounding circumstances raised in your complaint, as well as the response of Mr. Ducote. The burden of proof in disciplinary cases is a standard referred to as *clear and convincing* evidence. This is a higher standard of evidence than is required in ordinary civil lawsuits, but is less than the *beyond a reasonable doubt* standard required in criminal cases. The Office of the Disciplinary Counsel (ODC) has limited authority and scope in the process of investigating attorney activities. We are authorized by Rule XIX of the Louisiana Supreme Court to determine whether or not the submitted evidence (by both Complainant and Respondent) supports a claim that an attorney has violated the Louisiana Rules of Professional Conduct adopted by the Louisiana Supreme Court. It is the opinion of this office that the evidence provided to us is not clear and convincing that Respondent engaged in ethical misconduct that violated the Rules of Professional Conduct.

This office received the instant complaint from Complainant Anthony J. Fontana, Jr. Esq. on September 15, 2016. In the instant matter, Respondent did not represent Complainant in a legal matter. Rather, Respondent was opposing counsel on the case of *Stegall v. Laborde*, #2013-1824G, in the 15th Judicial District Court. The *Laborde* case was a civil claim that involved allegations that Dawn Laborde's minor son ("H[REDACTED]") had performed a sexual battery on the eight-year-old daughter ("S[REDACTED]") of Krista Stegall.

Complainant accused Respondent of engaging in "civil extortion" by filing the lawsuit. Complainant cited his belief that Respondent never had the intent to follow through with the matter to trial, but that he had engaged in discovery and the filing of many pleadings in an effort to coerce H[REDACTED]'s mother into paying money to settle the matter, as opposed to proceeding to trial. According to Complainant, Respondent had stipulated that he would call 35 witnesses with 6 exhibits and four treatment providers. The matter was set for trial on September 23, 2013, but Respondent moved to dismiss, without prejudice, the suit on September 6, 2013. The court dismissed the matter with prejudice, after denying Respondent's motion to continue.

Some time later, the defendant moved for sanctions against Respondent. The court granted sanctions against Respondent in the amount of \$21,210.56 which consisted of attorney fees and costs. Complainant alleged that Respondent's suit caused the defendants worry, anguish, stress, and disruption of their lives. Although not cited, Complainant's narrative suggests that Respondent violated Rule 3.1 and, possibly, Rule 4.4.

Respondent filed a written response to the instant complaint. Respondent denied any unethical conduct, and he insisted that the evidence clearly established the sexual battery against S█████ by the defendant's son, H█████. Although Respondent was ultimately sanctioned, he noted that Judge Durwood Conque found no willful violation of La. C.C.P. art. 863¹. Although the court eventually dismissed the suit with prejudice, Respondent advised that he did not agree with the dismissal of the suit with prejudice because S█████ would have been able to refile the suit up until her 21st birthday, if she had elected to do so.

Respondent attached numerous pleadings to his response. The attached pleadings support his narrative that he had reasonable belief that S█████'s allegations were truthful and that she had a legitimate cause of action against the defendant's son, H█████. On October 20, 2011, S█████ appeared in court in front of Judge David A. Blanchet who questioned her about the incident concerning the alleged sexual battery. S█████ testified as what had occurred, and her testimony was transcribed and made part of the suit record. S█████ confirmed (and gave details) that the incident had indeed taken place as she had reported it.

Via letter dated January 10, 2012, S█████'s counselor, Jenny Moore, MS, LPC, reported to Judge Blanchet that in counseling, S█████ had not recanted, or even altered, her narrative of the alleged sexual battery incident. S█████ had maintained that she was subjected to inappropriate sexual contact with the defendant's son, H█████. In a follow-up letter to the Judge, dated March 14, 2012, Ms. Moore advised that in therapy sessions, S█████ had become withdrawn and had begun experiencing significant anxiety, with nausea and crying. Later in 2012, S█████ met with another therapist,

¹ Art. 863(B)(1)(2)(3) Signing of pleadings, effect:

B. Pleadings need not be verified or accompanied by affidavit or certificate, except as otherwise provided by law, but the signature of an attorney or party shall constitute a certification by him that he has read the pleading, and that to the best of his knowledge, information, and belief formed after reasonable inquiry, he certifies all of the following:

- (1) The pleading is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
- (2) Each claim, defense, or other legal assertion in the pleading is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law.
- (3) Each allegation or other factual assertion in the pleading has evidentiary support or, for a specifically identified allegation or factual assertion, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

Christine S. Dugas, LCSW. Ms. Dugas reported to Judge Blanchet, via letter dated November 27, 2012, that S. [REDACTED] still maintained that the sexual battery had taken place, even though her father did not believe her.

The suit record establishes that the primary reason Respondent moved to dismiss the suit is because S. [REDACTED] had become too traumatized to testify at trial, and to compel her testimony (as a key fact witness) would not have been in her best interest. Respondent never suggested that his reason for the dismissal was because he believed he had insufficient evidence to present at trial. It is held that while Louisiana lawyers have been disciplined for filing wholly meritless lawsuits (see, e.g., *In re Harvin*, 117 So. 3d 907, 913 (La. 2013), attorneys who file frivolous lawsuits, or otherwise make nonmeritorious claims or contentions, are typically sanctioned judicially rather than through formal disciplinary proceedings. However, the evidence provided to the ODC does not support the allegation that Respondent's suit was "wholly meritless" or that the suit rose to the level of simply frivolous. S. [REDACTED] never wavered as to her version of events that gave rise to the litigation. The evidence was never presented to the trier of fact in a trial setting, so to allege that the suit was frivolous is premature. Complainant was free to move for summary judgment if he believed the evidence could not support a verdict in favor of the plaintiff. No summary judgment was filed. Lastly, the suit record reflects that Judge Durwood Conque did not find willful violation of La. C.C.P. art. 863 by Respondent. The matter was clearly a legal dispute, and was properly decided by the civil court.

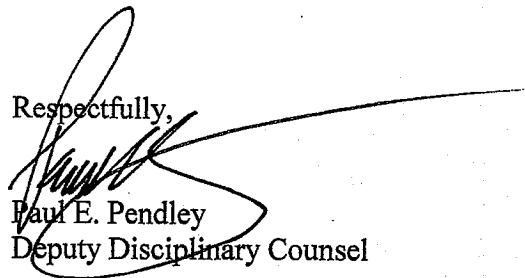
Complainant was sent a copy of Respondent's reply to the complaint, but he has sent nothing further to the ODC. Insufficient evidence has been provided to the ODC to support an allegation that Respondent has violated the Rules of Professional Conduct. Complainant sought, and received, relief in a civil court setting, as was appropriate.

Accordingly, no formal disciplinary action is appropriate and your complaint is hereby dismissed. We will maintain a copy of your complaint on file for a period of three (3) years.

Under Supreme Court Rule XIX, Section 11B(3), a complainant has the right to file a written appeal of our decision to dismiss. Any appeal shall be directed to this office within 30 days of the date of this letter. This office has no authority to extend the deadline.

We appreciate your concern for the maintenance of professional standards by all attorneys practicing law in our state.

Respectfully,


Paul E. Pendley
Deputy Disciplinary Counsel

PEP/ki

Cc: Mr. Richard L. Ducote, Esq.

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT**

15-306

KRISTA M. STEGALL

VERSUS

DAWN LANDRY LABORDE

**APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE, NO. 2012-1824
HONORABLE DURWOOD W. CONQUE, DISTRICT JUDGE**

**PHYLLIS M. KEATY
JUDGE**

Court composed of Elizabeth A. Pickett, Phyllis M. Keaty, and David Kent Savoie,
Judges.

Pickett, J., dissents and assigns written reasons.

AFFIRMED.

**Richard Ducote
Attorney at Law
4800 Liberty Avenue, Third Floor
Pittsburgh, PA 15224
(412) 687-2020
In Proper Person/Appellant**

Anthony J. Fontana, Jr.
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STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT

15-306

KRISTA M. STEGALL

VERSUS

DAWN LANDRY LABORDE

Pickett, J., dissenting:

I respectfully dissent. I find the trial court committed manifest error in finding no reasonable basis for this claim, and in awarding sanctions. The record before us fails to show any pleading signed by Mr. Ducote that was proven to be solely for the purpose of harassment or delay. I note that in a criminal case, the victim's testimony, if believed by the trier of fact and free from irreconcilable contradictions, is sufficient to support a verdict of guilty. *State v. Dorsey*, 10-216 (La. 9/7/11), 74 So.3d 603, *cert. denied*, ___ U.S. ___, 132 S.Ct. 1859 (2012).

While ultimately unsuccessful, the fact that the issue of the alleged abuse was fully litigated in the separate custody proceeding is at the very least sufficient to support the pleadings in this suit. Further, the majority recognizes that the result in that suit has no preclusive effect on the claims made in the instant suit. Accordingly, I would reverse the judgment of the trial court awarding sanctions.

KEATY, Judge.

Plaintiff's attorney, Richard Ducote, appeals a judgment of the trial court sanctioning him under La.Code Civ.P. 863. For the following reasons, we affirm.

STATEMENT OF THE CASE

In October 2011, during a custody proceeding before Judge David Blanchet between Krista Stegall and Brandon Mouret, their young daughter made an allegation of abuse by the son of Dawn Laborde, Mr. Mouret's girlfriend. Subsequently, on March 30, 2012, Ms. Stegall filed a petition for damages against Ms. Laborde, seeking damages as a result of the alleged abuse. Following a trial on August 7-8, 2012, in the custody suit, Judge Blanchet found that Ms. Stegall failed to prove the allegations of abuse; a judgment to that effect was signed on October 24, 2012. Meanwhile, the civil suit was still pending. A trial by jury was originally set for February 19, 2013, but was continued for additional discovery. The trial was reset for September 23, 2013. Two weeks before trial, Ms. Stegall filed a motion to dismiss the suit without prejudice because of the minor child's unwillingness to testify. Judge Durwood Conque denied the motion to dismiss without prejudice, and ordered the trial continued to the next day. When Ms. Stegall did not proceed with the trial on September 24, 2013, Judge Conque dismissed the suit with prejudice. The dismissal was memorialized in a judgment signed on October 7, 2013. No appeal was taken, and that judgment is now final.

On September 24, 2014, one year from the signing of the judgment dismissing Ms. Stegall's case, Ms. Laborde filed a Rule for Sanctions against Mr. Ducote, claiming that the suit was filed in violation of La.Code Civ.P. arts. 863 and 864. Specifically, Ms. Laborde claimed that Mr. Ducote filed the civil action without doing sufficient investigation of the claims, failed to investigate

through discovery after the suit was filed, refused to dismiss the case when Judge Blanchet found a lack of proof in the custody case, sought a continuance for further discovery and then failed to conduct such discovery, failed to subpoena any witnesses for trial after having filed three witness lists, and refused to dismiss the petition in the instant matter when he knew he would not proceed to trial.

Ms. Laborde further argued that:

[Mr. Ducote] never intended to try this case as he was only proceeding with appearing to prepare for trial to harass mover and to scare mover into paying money to protect the name and reputation of her minor son who was guilty of nothing[,] . . . all of which is a serious breach of respondent's duty as an officer of the Court, a violation of Article 863 of the Louisiana Code of Civil Procedure and Article 864 of the Louisiana Code of Civil Procedure which has cost[] mover thousands of dollars in attorney's fees and costs much less unjustified worry, anxiety[,] and grief for she and her son.

Following a December 8, 2014 hearing, Judge Conque awarded sanctions against Mr. Ducote payable to Ms. Laborde in the amount of \$21,210.56. Mr. Ducote now appeals that judgment.

ASSIGNMENT OF ERROR

On appeal, Mr. Ducote asserts one assignment of error: "The trial court erred and manifestly abused its discretion in awarding the Appellee La.Code Civ.P. art. 863 sanctions in the amount of \$21,210.56, plus costs, against Appellant counsel."

DISCUSSION

The trial court imposed sanctions pursuant to La.Code Civ.P. art. 863, which states:

A. Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading and state his address.

B. Pleadings need not be verified or accompanied by affidavit or certificate, except as otherwise provided by law, but the signature of an attorney or party shall constitute a certification by him that he has read the pleading, and that to the best of his knowledge, information, and belief formed after reasonable inquiry, he certifies all of the following:

(1) The pleading is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

(2) Each claim, defense, or other legal assertion in the pleading is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law.

(3) Each allegation or other factual assertion in the pleading has evidentiary support or, for a specifically identified allegation or factual assertion, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

(4) Each denial in the pleading of a factual assertion is warranted by the evidence or, for a specifically identified denial, is reasonably based on a lack of information or belief.

C. If a pleading is not signed, it shall be stricken unless promptly signed after the omission is called to the attention of the pleader.

D. If, upon motion of any party or upon its own motion, the court determines that a certification has been made in violation of the provisions of this Article, the court shall impose upon the person who made the certification or the represented party, or both, an appropriate sanction which may include an order to pay to the other party the amount of the reasonable expenses incurred because of the filing of the pleading, including reasonable attorney fees.

E. A sanction authorized in Paragraph D shall be imposed only after a hearing at which any party or his counsel may present any evidence or argument relevant to the issue of imposition of the sanction.

F. A sanction authorized in Paragraph D shall not be imposed with respect to an original petition which is filed within sixty days of an applicable prescriptive date and then voluntarily dismissed within ninety days after its filing or on the date of a hearing on the pleading, whichever is earlier.

G. If the court imposes a sanction, it shall describe the conduct determined to constitute a violation of the provisions of this Article and explain the basis for the sanction imposed.

“An attorney may be subjected to appropriate disciplinary action for a wilful violation of any provision of Article 863, or for the insertion of scandalous or indecent matter in a pleading.” La.Code Civ.P. art. 864.

Pursuant to Section G of La.Code Civ.P. art. 863, the trial court explained the basis for its imposition of sanctions against Mr. Ducote as follows:

What concerns me most about this case is that -- the filing of the petition was one thing, but then the continued filing of pleadings, the continued discovery, the -- or attempts at discovery, would indicate to me that it should have been clear at the outset and at all times during the proceeding that this claim had no basis in evidentiary fact.

I'm going to grant the motion. I'm going to impose sanctions. And this is based on everything that I heard on the previous motion to dismiss without prejudice on which I ruled and on everything that I have read in the pleadings during that time, at that time, and since, on the arguments given today and the evidence presented today.

....

One other thing I wanted to note, just to address some of the arguments made by counsel, while it was pointed out as to what the attorney defending this lawsuit might have done, I would also point out that there's total absence, at least before me in the custody case after Judge Blanchet's ruling and after all of these issues that were called into question by it, according to counsel, there was no motion for re-hearing, there was no appeal, there was no action taken with regard to Judge Blanchet's order

The only response to Judge Blanchet's ruling apparently was the filing of this lawsuit or the continuation of this lawsuit.

We will not disturb the trial court's factual findings in determining whether there has been a violation of La.Code Civ.P. art. 863 unless they are manifestly erroneous or clearly wrong. *Gulf Coast Bank v. Robino*, 634 So.2d 1190 (La.App. 3 Cir.), *writ denied*, 635 So.2d 1101 (La.1993). “Article 863 is intended for

exceptional circumstances only and the slightest justification for the exercise of a legal right precludes sanctions.” *Collins v. Ferrellgas, Inc.*, 96-810, p. 4 (La.App. 3 Cir. 2/5/97), 689 So.2d 569, 571.

Mr. Ducote filed this lawsuit on behalf of Ms. Stegall in March 2012 after her minor daughter made an allegation of abuse in an October 20, 2011 hearing in the custody case before Judge Blanchet.¹ The issue of this alleged abuse was a contested matter in the custody case between Ms. Stegall and Mr. Mouret. Ultimately, after a trial in August 2012, Judge Blanchet determined that the allegations of abuse by Ms. Laborde’s son were not proven.

At the December 8, 2014 hearing on Ms. Laborde’s Rule for Sanctions, the parties seemed to agree that the initial filing of this lawsuit was not a violation of the statute. Ms. Laborde argued that the ruling by Judge Blanchet should have ended this civil suit, because the issues were the same. Judge Conque noted that the judgment in Judge Blanchet’s court had no binding effect, but he nonetheless used that ruling as a basis for determining that any further pleadings in the civil suit lacked substance. Judge Conque ultimately concluded that “it should have been clear at the outset and at all times during the proceeding that this claim had no basis in evidentiary fact.”

This court has previously recognized that “Article 863 . . . impose[s] upon attorneys and litigants affirmative duties as of the date a document is certified. The obligation imposed upon litigants and their counsel who signed a document is to make an objectively reasonable inquiry into the facts and law.” *Murphy v. Boeing Petroleum Servs., Inc.*, 600 So.2d 823, 826 (La.App. 3 Cir. 1992). Louisiana Code of Civil Procedure Article 863(D) directs that “[i]f . . . the court determines that a

¹ Mr. Ducote was not the attorney for Ms. Stegall at the time the allegation was made.

certification has been made in violation of the provisions of this Article, the court **shall impose** upon the person who made the certification . . . an appropriate **sanction.**” (Emphasis added.) On the other hand, La.Code Civ.P. art. 864 provides that an “attorney **may** be subjected to appropriate **disciplinary action** for a wilful violation of any provision of Article 863.” (Emphasis added.) Judge Conque made specific reference to this distinction at the hearing on the motion for sanctions. More particularly, he noted that if Mr. Ducote’s violation of Article 863 “were found by me to be willful, then I would be obligated. . . . and every attorney in this room who has heard it, to report you to the disciplinary commission.” Judge Conque then stated, “I am not necessarily saying that it was willful, but I certainly think that it was in violation of Article 863.” Finally, Judge Conque noted that Mr. Ducote’s voluntary dismissal of the suit did not come “within 90 days of the filing of the original petition or at any time provided for by Section F.” Given the foregoing, we find no manifest error in the factual findings made by Judge Conque in support of his decision to grant Ms. Laborde’s request for sanctions.

DECREE

The judgment of the trial court is affirmed. Costs of this appeal are assessed to Mr. Richard Ducote.

AFFIRMED.

No. _____

COPY

**COURT OF APPEAL FOR THE THIRD CIRCUIT
STATE OF LOUISIANA**

KRISTA M. STEGALL,

*PLAINTIFF (NOT A PARTY TO
THIS APPLICATION)*

COPY

VS.

DAWN LANDRY LABORDE,

DEFENDANT/RESPONDENT

CASE NO. C-2012 1824 DIV. G
15TH JUDICIAL DISTRICT COURT, PARISH OF LAFAYETTE
CIVIL TORT CASE- C.C.P. ART. 863 SANCTIONS
HON. LAURIE A. HULIN, PRESIDING

**PLAINTIFF'S COUNSEL RICHARD DUCOTE, ESQ.'S APPLICATION
FOR SUPERVISORY AND REMEDIAL WRIT TO THE HON. LAURIE A.
HULIN SEEKING STAY OF SANCTIONS JUDGMENT PENDING
APPEAL**

EXPEDITED CONSIDERATION REQUESTED

COPY

RICHARD DUCOTE (La.5111)
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APPLICANT *PRO SE*

COPY

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II. REQUEST FOR EXPEDITED CONSIDERATION.

Applicant attorney respectfully seeks a stay of the sanctions judgment below pending his appeal to avoid the unjust and unnecessary encumbrance of his financial resources and the premature efforts to collect \$21,210.56 from a judgment likely to be reversed on appeal. Thus, Applicant attorney will otherwise accordingly suffer irreparable harm absent the stay.

III. GROUNDS FOR INVOCATION OF JURISDICTION.

This Honorable Court's jurisdiction is invoked under La. Const. Art. V, § 10, Rule 4-4(A), Uniform Rules-Courts of Appeal, and C.C.P. art. 2164 to stay the \$21,210.56 sanctions judgment entered against the attorney applicant in a summary hearing purportedly under C.C.P. art 863, pending the appeal taken from said judgment, when the record shows that the judgment is clearly erroneous and likely to be reversed on appeal. To subject this attorney to the posting of security or collections attempts would be patently unjust, and would chill the ability of litigants to obtain competent representation.

IV. STATEMENT OF THE CASE.

Applicant Richard Ducote is an attorney who represented Krista Stegall in filing a verified petition for compensatory and exemplary damages on March 30, 2012, alleging that her the eight (8) year daughter was sexually assaulted by the child's father's girlfriend Defendant/Respondent Dawn Laborde's teenage son [13-15]. After discovery and a trial continuance to September 23, 2013, the undersigned counsel moved to dismiss the child's suit without prejudice under C.C.P art. 1671, showing that the child was too traumatized to testify, which motion was set for a hearing the morning of September 23 [16-18]. At the September 23 hearing, Judge Conque denied the motion and set the trial to begin the next day. On September 24, when advised that Ms. Stegall was unprepared to go forward because of the child's condition, and that instead she would file a writ to contest the denial of the motion to dismiss without prejudice, Judge Conque dismissed the entire suit with prejudice, as reflected in his October 7, 2014, judgment [19]¹. On September 24, 2014, a full year after the suit was dismissed, Ms. Laborde's attorney, Anthony Fontana, filed a Rule for Sanctions against

¹ Ms. Stegall appealed that judgment, but the appeal has remained dormant in the trial court.

Ducote, citing no particular pleading as supposedly violative of C.C.P. art. 863, but, instead positing that Ducote did not ever intend to try the case, failed to dismiss the suit, and did not properly investigate the case before and after filing the petition [20-25]. Central to the sanctions rule is an October 24, 2012, judgment issued by Judge David Blanchet in the custody case between Ms. Stegall and Ms. Laborde's boyfriend finding that Ms. Stegall failed to prove in the child custody proceeding that Ms. Laborde's son molested her child [26-28]. On November 26, 2014, Ducote filed an opposition to the sanctions rule [29]. After the December 8, 2014, hearing on the rule, Judge Durwood Conque granted the sanctions motion, ordering Ducote to pay Ms. Laborde \$21,210.56 plus costs as reflected in the December 17, 2014, judgment noticed by the Clerk on December 19, 2014 [32-33]. On January 21, 2015, Ducote moved to appeal the judgment, designated the record on appeal, and moved for a stay. Supporting the stay request were legal argument and his documentary evidence introduced on December 8 showing that he did not violate art. 863 [33-103]. On February 4, 2015, Ms. Laborde filed an objection to the stay, arguing that since no suspensive appeal supported by a bond was taken, no stay could be sought.² [105]. On February 5, 2015, Judge Hulin, Judge Conque's successor in office, granted Ducote's appeal, but denied the stay and declared the appeal devolutive [104,106]. On February 23, 2015, Ducote noticed his intent to seek this writ contesting the stay denial, and on March 4 Judge Hulin granted him until March 6, 2015, to file this application [107].

² Mr. Fontana also sought art. 863 sanctions for the stay request, but he took the March 2, 2015, hearing on the sanctions motion off of the trial court's docket.

V. ISSUES AND QUESTIONS OF LAW PRESENTED.

Under the facts and circumstances of this case, as reflected in the record filed herein, is Applicant Ducote entitled to a stay of the sanctions judgment from this Honorable Court pending his appeal of that judgment?

VI. ASSIGNMENTS OF ERROR.

The trial court clearly erred and manifestly abused her discretion in denying the stay pending appeal.

VII. MEMORANDUM.

Under Rule 4-4(A), Uniform Rules-Courts of Appeal, this Court has the authority to stay the judgment and further proceedings below. C.C.P. art. 2164 authorizes this Court to render any judgment which is just, legal, and proper upon the record below. Art. 2164 grants this Court plenary power to stay a trial court's judgment under these circumstances. *Regional Transit Authority v. Kahn*, 99-2015 (La. App. 4th Cir. 8/26/99), 742 So.2d 960, 963; *Simmons v. Beauregard Parish School Board*, 293 So.2d 226, 227 (La. App.3rd Cir. 1974); *Greater Tangipahoa Utility Co. v. Hammond*, 247 So.2d 410, 411-412 (La. App. 1st Cir. 1971). In *Ezell v. Kelly*, 535 So.2d 969, 972 (La. App. 2nd Cir. 1988), the appellate court stayed a child custody ruling pending the mother's appeal, rejecting the argument that such a stay amounted to a prohibited suspensive appeal of a child custody decision. Thus, this Court has the authority to stay the sanctions judgment, despite the devolutive nature of the appeal perfected. Applicant counsel should not be required to tie up financial his financial resources pending his obviously meritorious appeal under the circumstances presented here.

A full year after this case was dismissed, Respondent Laborde moved for sanctions against the undersigned Plaintiff's counsel. It is only in the prayer for

relief that Mr. Fontana references his apparent authority for the rule, but does not specify what specific alleged acts or omissions supposedly violate what provisions of C.C.P. art. 863[20-24]. Despite what Mr. Fontana suggests in his sanctions rule a complete dearth of evidence supporting the underlying factual claims in the suit, he filed no summary judgment motion to dismiss the petition on those grounds. His failure to seek such summary relief belies his inconsistent denial of any factual evidence of the Plaintiff child's molestation by Ms. Laborde's son. Despite his repeated references in his Rule to the rulings of the trial judge in the child custody case between Ms. Stegall and Defendant's boyfriend, 15th Judicial District Court, Lafayette Parish, Case No. 2008-4909 H2, *Stegall v. Mouret*, those rulings [26-28] had absolutely no impact on this case, since *res judicata* did not attach. Had Mr. Fontana believed that those decisions in that custody case had some bearing on the outcome of this case, he would have brought a summary judgment motion, or an exception of *res judicata*, to dispose of this matter. But he filed no such pleadings and made no such argument. *Res judicata* does not sit here because the custody litigation and this suit involve different parties and different causes of action. R.S. 13:4231; *Calahan v. Scottsdale Ins. Co.*, 05-0098 (La. App.3rd Cir. 6/1/05), 903 So.2d 125; *Succession of Bernat*, 13-277 (La. App.3d Cir. 10/09/13), 123 So.3d 1277. Even beyond the failure of any *res judicata* argument, the custody rulings would be completely inadmissible as irrelevant and prejudicial under C.E. arts. 401-403.

C.C.P. art. 863(B) (1) provides that an attorney signing a pleading certifies that the pleading "*is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation*", while (B) (3) requires that any "*allegation or other factual assertion in the pleading has evidentiary support or, for a specifically identified allegation or*

factual assertion, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.” Any rule or statute allowing for sanctions to be imposed must be strictly construed. *Beard v. Beard*, 2001-2381 (La.App.5th Cir. 5/15/02), 821 So.2d 45; *Maxie v. McCormick*, 95-1105 (La.App.1st Cir. 2/23/96), 669 So.2d 562. A simple failure to prevail does not justify sanctions. *Curole v. Avondale Industries, Inc.*, 2001-1808 (La.App.4th Cir. 10/17/01), 798 So.2d 319, 322. No sanctions can be awarded under C.C.P. art. 863 when there is the slightest justification for the assertion of a legal right. *Bentley v. Fanguy*, 09-822 (La.App.3rd Cir. 10/6/10), 48 So.3d 381; *reh. den.* 2010 La.App. LEXIS 1605 (11/24/10); *writ den.* 2011 La.LEXIS 1097 (La. 2/25/11); *Southern Ingenuity, Inc. v. Benjamin*, 2002-1426 (La.App.3rd Cir. 4/22/03), 854 So.2d 876, 878-880. Any lesser standard for imposing such sanctions would serve to seriously impair the rights of the party as a litigant. *Caldwell v Griggs*, 40, 838-CA (La. App.2nd Cir. 3/8/06), 924 So.2d 464, 470. A lawyer’s conduct for the purposes of sanctions cannot be judged in hindsight, but must be assessed in the context of his knowledge and the reasonableness of his beliefs at the time the pleading was filed. *Fairchild v. Fairchild*, 580 So.2d 513, 517 (La.App.4th Cir. 1991); *Bentley, supra*, at 386-388. Under these standards, no sanctions are remotely justified in this case. Abundant evidentiary support for the petition and litigation was admitted in defense of the sanctions motion.

At the December 8, 2014, hearing the undersigned counsel admitted into evidence exhibits demonstrating an abundant factual basis for his reasonable belief that the Plaintiff’s child had been molested by the Respondent/Defendant’s son: Ex.1- The Answer and Reconventional Demand filed by Plaintiff’s prior counsel on October 4, 2011, alleging the abuse [40-45, ¶¶ 24-33]; Exhibit 2- The Plaintiff’s

child's October 20, 2011, testimony³ in the custody case (before applicant attorney was involved) describing molestation by Respondent/Defendant's son [46-81]; Ex. 3- Reports from the child's therapists discussing the child's concerns about the molestation [82-85]; Ex. 4- Excerpt from the child's diary discussing the molestation and her feelings about the custody proceedings [86]; Ex. 5- Excerpt from September 27, 2012, transcript in the custody case setting forth Judge Blanchet's ambivalence about his prior ruling [87-103, 93, 98, 99]. Accordingly, in the interests of justice, the judgment should be stayed.

During the December 8, 2014, sanctions hearing, Mr. Fontana, Respondent Laborde's counsel, blatantly admitted the following:

Judge, my case is not that there was never grounds to file the lawsuit⁴. My case is based on 863, filing pleadings that misled my client, misled me, misled the Court into thinking that they were going to try the case which we prepared for and came before you on that day to try—actually on the second day to try this particular case, and had to spend money defending a lawsuit that he never intended to bring, particularly after Judge Blanchet ruled in the other case that he knew he couldn't win a claim of sexual abuse of this child.

That's what its on. It's not that there wasn't some indication, because the girl was constantly saying, yes, it did happen, yes, it did happen, until we finally got the child away from the mamma and she confessed that momma put me up to it⁵ [emphasis added] [Transcript, pp. 128-129].

It is clear that Judge Conque imposed the sanctions solely because of his view that Judge Blanchet's admittedly inadmissible ruling in the custody case [130-131] should have compelled this attorney to drop this case. Furthermore, although he found no willful violation of art. 863, he nonetheless as the primary basis for the imposition of the sanctions, rooted solely in Judge Blanchet's judgment, found that

³ This transcript is sealed in the custody case, and in this trial court, so it should be sealed here also.

⁴ This concession contradicts ¶¶ 3, 23 (a), and 25 of his sanctions rule [20-23].

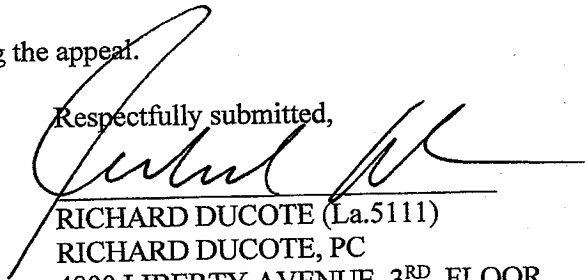
⁵ There is nothing in this record supporting the claim that the child has "confessed that momma put me up to it."

"it should have been clear at the outset and at all times during the proceeding that this claim had no basis in evidentiary fact."⁶ [133-135]. This position even contradicts Mr. Fontana's concession cited above. In the Rule for Sanctions, Mr. Fontana seems to primarily claim that this litigation was for an improper purpose [20-23]. Judge Conque made no such finding, however. Thus, this judgment is patently erroneous and is likely to be reversed on appeal. This attorney must be given the safe harbor of a stay to avoid encumbering his financial resources and premature collection efforts. There was more than ample evidentiary support for every allegation in the original petition, despite the inadmissible custody ruling to the contrary.

VIII. PRAYER FOR RELIEF.

Wherefore, Applicant Ducote respectfully prays that this Court stay the sanctions judgment pending the appeal.

Respectfully submitted,



RICHARD DUCOTE (La.5111)
RICHARD DUCOTE, PC
4800 LIBERTY AVENUE, 3RD FLOOR
PITTSBURGH, PA 15224
(412) 687-2020/ (412) 687-2009 FAX
RUCOTE@DUCOTELAW.COM
Applicant *Pro Se*

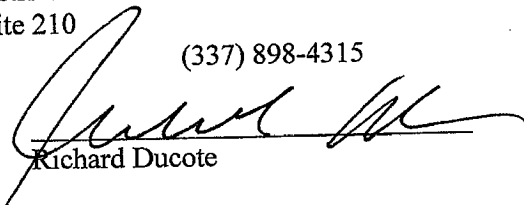
⁶ Judge Conque also makes a confusing, illogical observation that it would be "worse" if this lawsuit was filed before Judge Blanchet's ruling in the custody case, because that would call "into serious question the motivation for filing it." [135].

IX. VERIFICATION & AFFIDAVIT OF SERVICE.

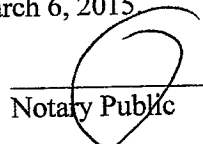
Before me, the undersigned authority, personally came and appeared Richard Ducote, Esq., who, after first being sworn, did depose and say that all allegations contained herein are true and correct to the best of his knowledge, information, and belief; that all copies attached hereto are true copies; that the trial court and opposing counsel were notified by telephone on March 6, 2015, that this application and request for expedited consideration was being filed by mail today; and that service has been made on the following, by U.S. Postal Service Priority Mail, in the same manner as the application was mailed to this Court, with postage prepaid, on this March 6, 2015:

- 1) Anthony J. Fontana, Esq.
Counsel for Respondent Dawn Laborde
210 N. Washington Street
Abbeville, LA 70510 (337) 898-8332

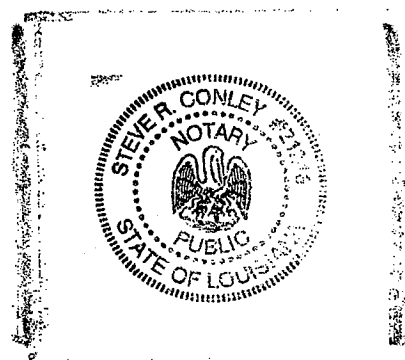
- 2) Hon. Laurie A. Hulin
Judge, 15th Judicial District Court
100 N. State Street, Suite 210
Abbeville, LA 70510 (337) 898-4315


Richard Ducote

Sworn to and subscribed before me, Notary Public, in and for the State of Louisiana, this March 6, 2015.


Notary Public

LPA # 21246



APPENDIX

IN THE 15th JUDICIAL DISTRICT COURT
FOR THE PARISH OF LAFAYETTE
STATE OF LOUISIANA

COPY

KRISTA M. STEGALL,
Individually and as
Tutor of Her Minor Child
S.B.S.

Vs.

Dawn Landry Laborde

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NO.

2012-1824 G

RECEIVED AND FILED
Date 3-30-2012
Lafayette Parish Clerk of Court

COPY

PLAINTIFF'S PETITION FOR COMPENSATORY AND
EXEMPLARY DAMAGES (INTENTIONAL TORTS)

The petition of Krista M. Stegall, through the undersigned counsel, respectfully showing the following, individually and as natural tutor of her minor child S.B.S.:

1) Plaintiff Krista M. Stegall is a person of full age and majority, and the mother and custodial parent of her eight year old daughter S.B.S. (DOB: 09/17/2003), both domiciled in Lafayette Parish.

2) Defendant Dawn Landry Laborde is a person of full age and majority domiciled in Lafayette Parish, LA. She is also the mother and custodial parent of H.L., who is approximately 15 years of age. She is the proper defendant pursuant to C.C.P. art. 1732 C. She is vicariously liable for the torts of her minor child H.L. pursuant to C.C. art. 2318.

3) Defendant is liable to Plaintiff Krista Stegall, and the minor child, S.B.S., for compensatory damages for the torts inflicted by Defendant's son, H.L., as set forth herein.

4) In approximately February of 2011, during her visitation time with her father Brandon Mouret, S.B.S. was sexually assaulted, abused, and battered at the Defendant's home by the Defendant's son H.L., including digital penetration of S.B.S.'s genitalia.

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5) Plaintiff has had to expend funds for the cost of legal services and care and treatment for her daughter as a result of H.L.'s conduct, and the Defendant is liable to the Plaintiff for such costs.

6) The torts committed by the Defendant's son H.L. against the minor child, S.B.S. have caused her severe and permanent psychological and emotional harm, requiring ongoing mental health treatment, for which Defendant is liable for compensatory damages.

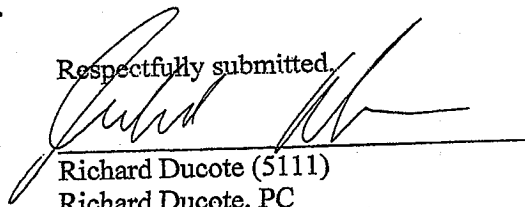
7) Defendant is also liable to the Plaintiff for exemplary damages, as S.B.S.'s injuries were caused by the wanton and reckless disregard of S.B.S.'s rights and safety through H.L.'s criminal sexual activity, pursuant to C.C. art. 2315.7.

WHEREFORE, IT IS PRAYED that Defendant be duly cited and served, and that after all due proceedings, there be judgment rendered against her as follows:

A. Awarding Plaintiff, Krista Stegall and the minor child, S.B.S., compensatory and exemplary damages in a reasonable and just sum under the circumstances.

B. Awarding Plaintiff, Krista Stegall and the minor child, S.B.S., all costs of these proceedings, interest from the date of judicial demand, and all appropriate equitable relief.

Respectfully submitted.




Richard Ducote (5111)
Richard Ducote, PC
4800 Liberty Avenue
Third Floor
Pittsburgh, PA 15224
(412) 687-2020/ (412) 687-2009 Fax
ducotelaw@aol.com
Counsel for Plaintiff

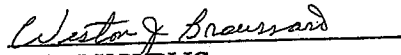
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VERIFICATION

Before me, the undersigned authority, personally came and appeared KRISTA STEGALL, who, after first being sworn, did depose and say that she is the Plaintiff in this cause, that she has read the foregoing petition, and all allegations contained therein are true and correct to the best of her knowledge, information, and belief.


KRISTA STEGALL

Sworn to and subscribed before me, Notary, in and for the State of Louisiana, this 23 day of March 2012, at LAFAYETTE, Louisiana.


NOTARY PUBLIC

PLEASE CITE AND SERVE:

Dawn Landry Laborde
c/o Don's Seafood Hut
4309 Johnston Street
Lafayette, LA 70503

WESTON J. BROUSSARD
NOTARY PUBLIC ID# 13618
LAFAYETTE PARISH,
LIFETIME COMMISS

THIS DOCUMENT NOT
PREPARED BY
THE UNDERSIGNED NOTARY
ATTEST TO SIGNATURE ONLY

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IN THE 15th JUDICIAL DISTRICT COURT
FOR THE PARISH OF LAFAYETTE
STATE OF LOUISIANA

KRISTA M. STEGALL,
Individually and as
Tutor of Her Minor Child
S.B.S.

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NO. 2012-1824 G

Vs.

Dawn Landry Laborde

PLAINTIFF'S MOTION TO DISMISS PETITION WITHOUT
PREJUDICE PURSUANT TO C.C.P. ART. 1671

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15th JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE, LA

Now comes Plaintiff Krista M. Stegall, individually and as tutor
her minor daughter S.B.S., through the undersigned counsel, pursuant to
C.C.P. art. 1671, moving to dismiss this petition for damages without
prejudice, for the following reasons:

- 1) Plaintiff's daughter, S.B.S., will be ten years old on September 17, 2013.
- 2) This suit is based upon reported sexual abuse perpetrated against the child by Defendant's teenage son.
- 3) Defendant is the child's father's girlfriend. The child's father, Brandon Mouret, has sided with Defendant regarding the child's allegations, which has caused the child extreme emotional distress and anger toward her father.
- 4) Consequently, the child has refused to visit or contact her father, and such refusal has been the issue of ongoing domestic relations litigation in this Court in Case No. 2008-4909, *Brandon Mouret v. Krista Stegall*.
- 5) In the domestic relations case, Mr. Mouret is represented by the same counsel representing Defendant and her son in this case.

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6) On August 29, 2013, in the domestic relations case, when called to testify in chambers regarding this situation, after seeing her father and the Defendant outside of the courthouse, and in the hallway, the child completely shut down and persistently refused to say a word to Judge Blanchet, who presides over that case.

7) Since that time the child has been exhibiting symptoms of extreme distress, including severe stomach aches and withdrawal, necessitating medical care.

8) Consequently, the child, the key witness in this case, is simply too traumatized to testify in this tort case, and proceeding at this time would be contrary to her best interests.

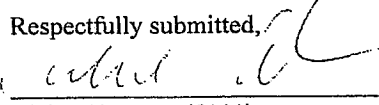
9) Under C.C. art. 3496.1, this action does not prescribe until the child's twenty-first birthday.

10) Any dismissal of this action with prejudice would constitute a compromise of the child's claim with zero recovery, and such would require the Court's approval as a minor's settlement pursuant to C.C.P. arts. 4265 and 4271. Plaintiff does not believe that dismissal with prejudice is in the child's best interest, and any such recommendation would be contrary to her obligations as the child's tutor set forth under C.C. art. 4262.

11) Under C.C.P. art. 1671, the Court has considerable discretion to grant a dismissal without prejudice. *Systems Services Technology, Inc. v. Boykins*, 2009-CA-0128 (La.App.4th Cir. 5/13/09). In this instance, no dismissal with prejudice would be proper without the Court determining that the child would have no legitimate claim, which, under the circumstances, cannot be done absent a trial. Plaintiff asserts that the child's claim is indeed legitimate, and a grave injustice would be done by any voluntary dismissal with prejudice.

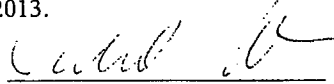
WHEREFORE, IT IS MOVED THAT the Court dismiss the petition for damages without prejudice.

Respectfully submitted,


Richard Ducote (5111)
Richard Ducote, PC
4800 Liberty Avenue
Third Floor
Pittsburgh, PA 15224
(412) 687-2020/ (412) 687-2009 Fax
Counsel for Plaintiff

CERTIFICATE OF SERVICE

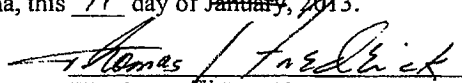
I hereby certify that a copy of this pleading was served on Defendant Dawn Laborde's counsel Anthony J. Fontana, Esq., and Gabe Duhon, Esq., by fax to their respective offices at (337) 893-4908 and (337) 893-3510, and by first class mail, this September 6, 2013.


Richard Ducote

ORDER

The foregoing considered, **IT IS HEREBY ORDERED** that the Defendant show cause on the 23 day of SEPT, 2013, at 10 o'clock Am. why this motion should not be granted.

Lafayette, Louisiana, this 11 day of ~~January~~ ^{SEPT}, 2013.

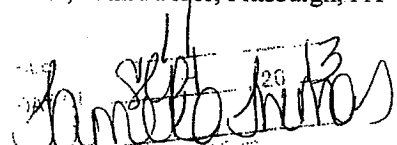

JUDGE, 15TH JUDICIAL DISTRICT
COURT

Please serve:

Dawn Laborde, through Anthony J. Fontana, Esq., 210 N. Washington Street, Abbeville, LA 70510.

Mail copies to:

Richard Ducote, PC, 4800 Liberty Avenue, Third Floor, Pittsburgh, PA 15224.


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RECEIVED AND FILED

Date 11/26/14

IN THE 15th JUDICIAL DISTRICT COURT
FOR THE PARISH OF LAFAYETTE
STATE OF LOUISIANA

KRISTA M. STEGALL,
Individually and as
Tutor of Her Minor Child
S.B.S.

Vs.

Dawn Landry Laborde

* NO. 2012-1824 G
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**PLAINTIFF'S COUNSEL'S OPPOSITION MEMORANDUM IN
RESPONSE TO RULE FOR SANCTIONS
[HEARING SET FOR DECEMBER 8, 2014]**

May it please the Court:

A full year after this case was dismissed, Defendant moved for sanctions against the undersigned Plaintiff's counsel. The Rule is without merit and must be denied, for the following reasons:

1) **CONTRARY TO THE CLEAR REQUIREMENTS OF THIS COURT'S RULE 9.9, NO SUPPORTING MEMORANDUM WAS FILED, AND FOR THAT REASON ALONE THE RULE MUST BE DENIED AND DISMISSED.**

2) It is only in the prayer for relief that Mr. Fontana references his apparent authority for the rule, but does not specify what specific alleged acts or omissions supposedly violate what provisions of C.C.P. art. 863.

3) Despite what Mr. Fontana argues was a complete dearth of evidence supporting the underlying factual claims in the suit, he filed no summary judgment motion to dismiss the petition on those grounds. His failure to seek such summary relief belies his strident denial of any factual evidence of the Plaintiff child's molestation by Defendant's son.

4) Despite his repeated references in his Rule to the rulings of the trial judge in the child custody case between Ms. Stegall and Defendant's boyfriend, Case No. 2008-4909 H2, *Stegall v. Mouret*, those rulings had absolutely no impact on this case, since *res judicata* did not attach. Had Mr. Fontana believed that those decisions in that custody case had some bearing on the outcome of this case, he would have brought a summary judgment motion, or an exception of *res judicata*, to dispose of this matter. As Mr. Fontana admitted to the undersigned counsel, he knew the custody rulings had no preclusive effect here. *Res judicata* does not sit here because the custody litigation and this suit involve different parties and different causes of action. R.S. 13:4231; *Calahan v. Scottsdale Ins. Co.*, 05-0098 (La. App.3rd Cir. 6/1/05), 903 So.2d 125; *Suceession of Bernat*, 13-277 (La. App.3d Cir. 10/09/13), 123 So.3d 1277. Even beyond the failure of any *res judicata* argument, the custody rulings would be completely inadmissible as irrelevant and prejudicial under C.E. arts. 401-403.

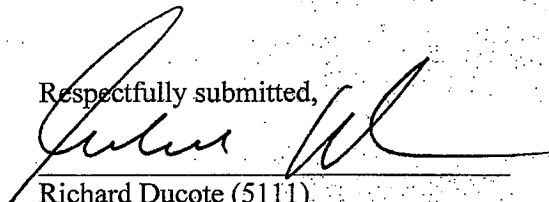
5) Any rule or statute allowing for sanctions to be imposed must be strictly construed. *Beard v. Beard*, 2001-2381 (La.App.5th Cir. 5/15/02), 821 So.2d 45; *Maxie v. McCormick*, 95-1105 (La.App.1st Cir. 2/23/96), 669 So.2d 562. A simple failure to prevail does not justify sanctions. *Curole v. Avondale Industries, Inc.*, 2001-1808 (La.App.4th Cir. 10/17/01), 798 So.2d 319, 322. No sanctions can be awarded under C.C.P. art. 863 when there is the slightest justification for the assertion of a legal right. *Bentley v. Fanguy*, 09-822 (La.App.3rd Cir. 10/6/10), 48 So.3d 381; *reh. den.* 2010 La.App. LEXIS 1605 (11/24/10); *writ den.* 2011 La.LEXIS 1097 (La. 2/25/11); *Southern Ingenuity, Inc. v. Benjamin*, 2002-1426 (La.App.3rd Cir. 4/22/03), 854 So.2d 876, 878-880. A lawyer's conduct for the purposes of sanctions cannot be judged in hindsight, but must be assessed in the context

of his knowledge and the reasonableness of his beliefs at the time the pleading was filed. *Fairchild v. Fairchild*, 580 So.2d 513, 517 (La.App.4th Cir. 1991); *Bentley, supra*, at 386-388. Under these standards, no sanctions are remotely justified in this case.

6) At the hearing on this motion, if the sanctions rule is not dismissed forthwith for non-compliance with this Court's Rule 9.9, the undersigned will present the abundant factual support for his reasonable contention that Defendant's teenage son did indeed molest the Plaintiff's young daughter, including evidence generated before the undersigned ever heard of these parties and produced while Ms. Stegall was represented by her prior counsel, Glenn Marcantel, Esq.

7) Unfortunately, because of the financial toll taken on Ms. Stegall by the ongoing custody case, in which Mr. Fontana served as co-counsel for Defendant's boyfriend, and Ms. Stegall's daughter's simultaneous emotional deterioration, this matter could not be adequately litigated. Thus, the motion for dismissal without prejudice was filed to allow the child to pursue her claim later in her life.

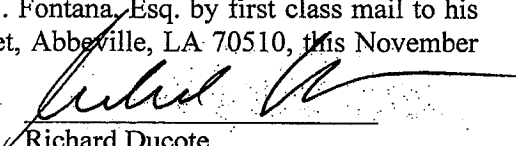
Respectfully submitted,



Richard Ducote (5111)
Richard Ducote, PC
4800 Liberty Avenue
Third Floor
Pittsburgh, PA 15224
(412) 687-2020/ (412) 687-2009Fax
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was served on Defendant Dawn Laborde's counsel Anthony J. Fontana, Esq. by first class mail to his offices at 210 N. Washington Street, Abbeville, LA 70510, this November 25, 2014.



Richard Ducote

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IN THE CIVIL DISTRICT COURT
OF THE FIFTEENTH JUDICIAL DISTRICT
IN AND FOR THE PARISH OF LAFAYETTE
STATE OF LOUISIANA

BRANDON J. MOURET

CIVIL DOCKET
#20084909

VERSUS

KRISTA M. STEGALL

The above-entitled case came before the
Honorable David A. Blanchet, Judge of the above-styled
court, Lafayette Parish Courthouse, Lafayette, Louisiana,
on October 20, 2011, pursuant to notice.

APPEARANCES:

FOR THE PLAINTIFF:

MS. KATHERINE HURST
ATTORNEY AT LAW
POST OFFICE BOX 90316
LAFAYETTE, LA 70509

FOR THE DEFENDANT:

MR. H. GLENN MARCANTEL, JR.
ATTORNEY AT LAW
213 S. UNION STREET
OPELOUSAS, LA 70570

SEALED

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OPEN COURT

HONORABLE DAVID A. BLANCHET PRESIDING

OCTOBER 20, 2011

TESTIMONY IN CHAMBERS

DEPUTY CLERK: S [REDACTED] this is Judge
Blanchet.

BY THE COURT:

Q. Hi. How are you? It's S [REDACTED], right? Nice to meet
you. How are you doing today?

BY THE WITNESS:

A. Good.

Q. You look so cute. I love that dress. Why don't you
have a seat right here? Do y'all have school uniforms or
you can wear anything you want to school?

A. We have school uniforms.

Q. That's not your school uniform, huh?

A. (Shakes head indicating a negative response.)

Q. Did you go to school today?

A. (Shakes head indicating a negative response.)

Q. No? Why not?

A. Because we had to come here.

Q. You had to come here. You have been here all day or
you were somewhere else and then you came recently?

A. Um, I was here all day.

Q. I'm sorry to hear that. I wish somebody would have
let me know. I would have at least let you go somewhere
else until we needed you and you could have watched TV or
something.

I'm Judge Blanchet. And have you met any of these
people behind you?

A. (Nods head indicating an affirmative response.)

Q. Have you meet both of them or just one of them?

1 A. Just one of them.

2 Q. Just one. You've met Mr. Marcantel? This is
3 Ms. Hurst.

4 MS. HURST: Hey, S [REDACTED], how are you doing?
5 You look very pretty today.

6 THE WITNESS: Thank you.

7 MS. HURST: You are welcome.

8 THE COURT: And this is Ms. Margaret. She
9 works for me. And this is Ms. Velma. She works
10 for me. And way down on the end she works for
11 me too. And he works for me too. So they are
12 all with the Court.

13 BY THE COURT:

14 Q. I have to ask you a few questions. Can you tell me
15 your full name.

16 A. S [REDACTED] B [REDACTED] S [REDACTED].

17 Q. What's your middle name?

18 A. B [REDACTED].

19 Q. Spell that for me.

20 A. B [REDACTED].

21 Q. B [REDACTED] like the color. That's an interesting name. I
22 like that. And what is your birth date?

23 A. My birthday? September 17th.

24 Q. Okay. Do you know what year you were born?

25 A. (Shakes head indicating a negative response.)

26 Q. How old are you?

27 A. Eight.

28 Q. Eight years old. And who is your dad?

29 A. Um, Brandon Mouret.

30 Q. And who is your mom?

31 A. Krista Stegall.

32 Q. Do you know what month it is?

- 1 A. October.
- 2 Q. October. Do you know the date today?
- 3 A. Twentieth (20th).
- 4 Q. The 20th. I'm glad you reminded me. I'll make sure
- 5 when I sign my papers that I put the 20th on it. Do you
- 6 know what year it is?
- 7 A. 2011.
- 8 Q. You are a pretty smart kid.
- 9 A. Thank you.
- 10 Q. Do you know what day of the week it is?
- 11 A. Um, Thursday.
- 12 Q. Yeah. Okay. Wow. You are pretty sharp. Who is
- 13 your teacher?
- 14 A. Miss Zanazzi (assumed spelling).
- 15 Q. Can you smell that? Smell that. Can you spell
- 16 that? It's been a long day. You can't spell it. I can't
- 17 spell it either.
- 18 A. No but some people call her Ms. Z.
- 19 Q. Ms. Z. I like that. It's easier. Okay.
- 20 THE COURT: So I don't think there is any
- 21 question about S [REDACTED]'s competency.
- 22 BY THE COURT:
- 23 Q. Now, S [REDACTED], I need to know if you know when an oath
- 24 is.
- 25 A. (Shakes head indicating a negative response.)
- 26 Q. You know what an oath is?
- 27 A. (Shakes head indicating a negative response.)
- 28 Q. You ever watch TV in like a courtroom kind of thing
- 29 and they have people raise their hands and promise to tell
- 30 the truth?
- 31 A. (Shakes head indicating a negative response.)
- 32 Q. You have never seen that? Okay. Well, that's what

1 is called an oath. And a oath is a promise. Okay. So
2 I'm going to have you take an oath and you are going to
3 promise to tell me the truth. Do you know what the truth
4 is?

5 A. (Nods head indicating an affirmative response.)

6 Q. What is the truth?

7 A. The truth is that you are not lying.

8 Q. Okay.

9 A. And it means that you not lie to somebody.

10 Q. Okay. So you are saying what really happened,
11 right?

12 A. (Nods head indicating an affirmative response.)

13 Q. And it's not a lie or a made-up type of story,
14 right?

15 A. (Shakes head indicating a negative response.)

16 Q. Okay. So you know what the truth is?

17 A. (Nods head indicating an affirmative response.)

18 Q. All right. This is what I'm going to do. I'm going
19 to ask you to take an oath, which is a promise that
20 everything you are going to tell me is the truth. Okay?

21 A. (Nods head indicating an affirmative response.)

22 Q. Will you do that for me?

23 A. (Nods head indicating an affirmative response.)

24 Q. So I'm going to ask you to stand up and I'm going to
25 ask you to face Ms. Velma and raise your right hand.

26 DEPUTY CLERK: Do you promise to tell the
27 truth and only the truth?

28 THE WITNESS: Yes.

29 DEPUTY CLERK: Thank you. Have a seat.

30 BY THE COURT:

31 Q. All right. Have a seat. So that's a promise.

32 We've got a deal here, right? Everything you are going to

1 tell me is the truth.
2 A. (Nods head indicating an affirmative response.)
3 Q. Okay. Do you know why you are here today?
4 A. (Nods head indicating an affirmative response.)
5 Q. Why?
6 A. To tell the truth.
7 Q. Do you know why we all met and your mom and dad
8 came? Do you know why?
9 A. (Shakes head indicating a negative response.)
10 Q. Has your dad told you anything about court today?
11 A. (Shakes head indicating a negative response.)
12 Q. No. Has your mom told you anything about court
13 today?
14 A. Um, I don't know.
15 Q. You don't know?
16 A. (Shakes head indicating a negative response.)
17 Q. Is it that you can't remember or you don't remember
18 what she said?
19 A. I can't remember.
20 Q. You can't remember. Did your mom tell you to make
21 sure to tell me anything?
22 A. To tell the truth.
23 Q. Is that what she told you, to tell me the truth?
24 A. (Nods head indicating an affirmative response.)
25 Q. Okay. But she didn't give you any messages to make
26 sure you told me this or that?
27 A. (Shakes head indicating a negative response.)
28 Q. Okay. All right. Has it been a while since you saw
29 your dad?
30 A. (Nods head indicating an affirmative response.)
31 Q. About how long?
32 A. Two months.

1 Q. Two months?
2 A. Three.
3 Q. I'm sorry?
4 A. Two or three.
5 Q. Two or three months.
6 A. I don't know.
7 Q. Do you know how many days are in a month?
8 A. (Shakes head indicating a negative response.)
9 Q. No?
10 A. Thirty (30) or 31.
11 Q. Thirty (30) or 31. You do know. That's a long time
12 without seeing your dad. Do you know why you haven't seen
13 your dad?
14 A. (Shakes head indicating a negative response.)
15 Q. No? Your mom didn't tell you why?
16 A. No.
17 Q. How do you feel about not seeing your dad?
18 A. Um, I don't really know.
19 Q. You don't know how you feel right now about that?
20 A. (Shakes head indicating a negative response.)
21 Q. Do you miss him?
22 A. Um, kind of.
23 Q. You kind of miss him. Okay. Well, I certainly
24 understand that. So, um, tell me, um, I understand that
25 there were some things that might have happened, um, with
26 another little girl.
27 A. (Nods head indicating an affirmative response.)
28 Q. I think her name might be Bailey?
29 A. Maeli. Maeli.
30 Q. Maeli with an "M"? Okay. I thought it was Bailey
31 with a "B." All right. Well, what happened with you and
32 Maeli.

52

1 A. We played a game.
2 Q. Y'all played a game. And what kind of game was
3 that?
4 A. A doctor game.
5 Q. A doctor game. Okay. How old is Maeli?
6 A. Probably three.
7 Q. Probably three. Now, did you always know she was
8 three or did you find out she was three?
9 A. I always know she was three.
10 Q. You always knew she was three. Okay. Right. And
11 so tell me about the game.
12 A. We had to pull down our pants.
13 Q. Okay. And whose idea was it to play the game?
14 A. Maeli's.
15 Q. Maeli at three years old she knew about a doctor
16 game?
17 A. Someone else taught her that.
18 Q. Someone else taught her that. Did she tell you who
19 taught her that?
20 A. What was the question again?
21 Q. Did Maeli tell you who taught her the game?
22 A. Yes.
23 Q. And who did she say taught her the game?
24 A. H[REDACTED].
25 Q. Gretchen?
26 A. H[REDACTED].
27 Q. H[REDACTED]. Okay. And who is H[REDACTED]?
28 A. Miss Dawn's son.
29 Q. Miss Dawn's son. Okay. And do you know how Maeli
30 knows H[REDACTED]?
31 A. We -- me and Maeli, we went to, um, we went to Miss
32 Dawn's house.

5-3

- 1 Q. Okay.
- 2 A. And it was -- it was at Miss Dawn's house.
- 3 Q. Um-hum.
- 4 A. And Maeli was there.
- 5 Q. You and Maeli were there or just Maeli?
- 6 A. It was at Maeli's dad and mom and it was Maeli and
7 her little brother.
- 8 Q. Okay. And you were there?
- 9 A. (Nods head indicating an affirmative response.)
- 10 Q. You were there also?
- 11 A. (Nods head indicating an affirmative response.)
- 12 Q. Yes.
- 13 A. (Nods head indicating an affirmative response.) And
14 my dad.
- 15 Q. Okay.
- 16 A. And Miss Dawn.
- 17 Q. Okay.
- 18 A. And H [REDACTED].
- 19 Q. So y'all were all at their house?
- 20 A. (Nods head indicating an affirmative response.)
- 21 Q. So tell me what happened.
- 22 A. H [REDACTED] taught us the game.
- 23 Q. Okay. And what room were you in?
- 24 A. In [REDACTED]'s room.
- 25 Q. Okay. You were in H [REDACTED]'s room. It was his
26 bedroom?
- 27 A. Yes.
- 28 Q. Okay. And so you and Maeli and H [REDACTED] were all in
29 the bedroom together?
- 30 A. (Nods head indicating an affirmative response.)
- 31 Q. And so was the door open or was the door closed?
- 32 A. Closed I think. I don't know.

- 1 Q. You are not sure?
- 2 A. Not sure.
- 3 Q. Okay. And then so where were -- where was your dad
- 4 and the other adults?
- 5 A. They were outside.
- 6 Q. Okay. Were they barbecuing or --
- 7 A. They were making crawfish.
- 8 Q. Oh, boiling crawfish. Okay. All right. So y'all
- 9 were inside the house in H [REDACTED]'s bedroom. Okay. And so
- 10 tell me what happened in H [REDACTED]'s bedroom?
- 11 A. He said to pull down your pants.
- 12 Q. H [REDACTED] told who to pull down the pants?
- 13 A. Me and Maeli.
- 14 Q. Okay. And so what did y'all do?
- 15 A. Pulled down our pants.
- 16 Q. Okay. And then what happened?
- 17 A. He touched us in our private.
- 18 Q. He touched you in your privates? What did he touch
- 19 you with?
- 20 A. His finger.
- 21 Q. His finger. And did he touch you on the outside of
- 22 your privates?
- 23 A. The inside.
- 24 Q. The inside. Okay. And he did it to who?
- 25 A. Me and Maeli.
- 26 Q. Okay. And, um, okay. And when did this happen? Do
- 27 you remember the month?
- 28 A. (Shakes head indicating a negative response.)
- 29 Q. Was it this school year or last school year?
- 30 A. I don't know.
- 31 Q. You don't know?
- 32 A. (Shakes head indicating a negative response.)

1 Q. Okay. Was it cold outside?
2 A. It was warm outside.
3 Q. It was warm outside.
4 A. And a little windy.
5 Q. And a little windy. You remember that that day.
6 Can you describe H [REDACTED]'s bedroom for me? Do you remember
7 that?
8 A. I think there was clothes on the floor.
9 Q. Clothes on the floor?
10 A. And that's all I remember.
11 Q. Okay. Did he have any posters on the wall or do you
12 remember his drapes or his bedspread or anything?
13 A. (Shakes head indicating a negative response.)
14 Q. Okay. And so how long did this go on for?
15 A. I don't know.
16 Q. You are not sure?
17 A. (Shakes head indicating a negative response.)
18 Q. And so what did you do after that? Did he -- Well,
19 let me ask this. Did he do anything else besides put his
20 finger in your privates?
21 A. (Shakes head indicating a negative response.)
22 Q. That was it? Did it last just a few seconds?
23 A. (Nods head indicating an affirmative response.)
24 Q. Yeah. So what did you do -- What happened after
25 that happened?
26 A. I pulled up my pants and -- I pulled up my pants and
27 I went outside.
28 Q. Okay. And so you said something about playing
29 doctor?
30 A. That was the second time.
31 Q. Oh, that was the second time? Okay. All right. So
32 the first time --

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- 1 A. Was at H [REDACTED]'s house.
- 2 Q. Was at H [REDACTED]'s house. Okay. All right.
- 3 A. Miss Dawn's house.
- 4 Q. That's Miss Dawn's house. Miss Dawn is who? Is she
- 5 a friend of your dad's?
- 6 A. A friend of my dad's.
- 7 Q. Okay. Now did you tell anybody about that?
- 8 A. (Shakes head indicating a negative response.)
- 9 Q. Did Maeli tell anybody about that?
- 10 A. (Shakes head indicating a negative response.)
- 11 Q. And you are not sure when this was?
- 12 A. (Shakes head indicating a negative response.)
- 13 Q. All right. So then there was another time when you
- 14 and Maeli played the doctor game?
- 15 A. (Nods head indicating an affirmative response.)
- 16 Q. When you were with H [REDACTED] and Maeli in H [REDACTED]'s
- 17 bedroom, was there a doctor kit?
- 18 A. (Shakes head indicating a negative response.)
- 19 Q. No. Okay. So what happened between you and Maeli?
- 20 Y'all did some kind of game again?
- 21 A. We pulled down our pants.
- 22 Q. Okay. First off, where were y'all?
- 23 A. In Sage's room.
- 24 Q. In Sage's room. Who is Sage?
- 25 A. Maeli's little brother.
- 26 Q. Maeli's little brother. Was he in the room, too?
- 27 A. (Shakes head indicating a negative response.)
- 28 Q. So whose idea was it to play the game?
- 29 A. Maeli's.
- 30 Q. Maeli. And so what did she say?
- 31 A. Pull down your pants.
- 32 Q. Okay. And so did you both pull down your pants or

1 you just pulled yours down?
2 A. I think I just pulled mine down or Maeli.
3 Q. You are not sure?
4 A. Not sure if it was just both or just me.
5 Q. You don't remember if it was both or just you? Now,
6 did you have any kind of a doctor kit that time?
7 A. (Nods head indicating an affirmative response.)
8 Q. Whose doctor kit was it?
9 A. Maeli's or Sage's.
10 Q. You are not sure if it was Maeli's or Sage's?
11 A. No.
12 Q. So tell me what happened.
13 A. Maeli had a shot.
14 Q. She had like a syringe, like a shot, a toy?
15 A. (Nods head indicating an affirmative response.)
16 Q. Okay. And what happened?
17 A. She shot us in the privates.
18 Q. She shot you in your privates?
19 A. (Nods head indicating an affirmative response.)
20 Q. Okay. All right. And so she put the shot inside
21 you?
22 A. (Shakes head indicating a negative response.)
23 Q. No. She just put it on the outside?
24 A. (Nods head indicating an affirmative response.)
25 Q. Okay. All right. And so, um, did you -- did
26 somebody find out about that?
27 A. (Shakes head indicating a negative response.)
28 Q. Nobody found out about that?
29 A. (Shakes head indicating a negative response.)
30 Q. Okay.
31 A. But my mamma called and Maeli told me to -- told my
32 mamma not to play anymore pull down your pants game.

- 1 Q. Maeli told you to tell your mamma what?
- 2 A. How to pull down your pants.
- 3 Q. Oh, how to pull down your pants game. And so then
- 4 what happened?
- 5 A. And then she wanted me to give the phone to my
- 6 daddy.
- 7 Q. You gave the phone to your daddy. Okay.
- 8 A. And I don't know what happened after that.
- 9 Q. You don't remember?
- 10 A. (Shakes head indicating a negative response.)
- 11 Q. Did you and your mom and dad have a talk?
- 12 A. (Nods head indicating an affirmative response.)
- 13 Q. Tell me what did y'all talk about.
- 14 A. The game.
- 15 Q. The game. Okay. All right. And so what did you
- 16 tell your mom and dad at that time about the game? Did
- 17 you tell her that it was just you and Maeli or did you
- 18 tell her about --
- 19 A. I couldn't tell them being that my daddy was there.
- 20 Q. You couldn't tell them because your daddy was there?
- 21 A. Yes, because I couldn't tell because H [REDACTED] said I
- 22 was going to get punished.
- 23 Q. H [REDACTED] told you you would get punished if you told?
- 24 A. (Nods head indicating an affirmative response.)
- 25 Q. Okay. All right. So you just told about you and
- 26 Maeli?
- 27 A. I couldn't tell because my daddy was there.
- 28 Q. So when you and your mom and dad talked, you didn't
- 29 tell your dad about Maeli?
- 30 A. Not my mom.
- 31 Q. Not your mom either. Okay. Did you tell either
- 32 your mom or your dad later about you and Maeli playing?

- 1 A. (Shakes head indicating a negative response.)
2 Q. You never told them anything about the game?
3 A. (Shakes head indicating a negative response.)
4 Q. Did your mom ask you or did your dad ask you what
5 are you talking about a game pulling down the pants game?
6 A. (Shakes head indicating a negative response.)
7 Q. Nobody asked you about it?
8 A. (Shakes head indicating a negative response.)
9 Q. Okay. All right. So then did you go to a doctor or
10 something?
11 A. (Nods head indicating an affirmative response.)
12 Q. Who did you go see?
13 A. Dr. Glowackie.
14 Q. Dr. Glowackie. And do you remember when that was?
15 A. No.
16 Q. No. What did you tell Dr. Glowackie?
17 A. Nothing.
18 Q. You didn't tell him?
19 A. He just checked me.
20 Q. He just checked you. But did you hear your mom tell
21 him anything?
22 A. No.
23 Q. So you don't remember what your mom said?
24 A. (Shakes head indicating a negative response.)
25 Q. Tell me how you felt about him checking you.
26 A. I don't know.
27 Q. You don't know?
28 A. (Shakes head indicating a negative response.)
29 Q. Did it bother you or it was okay, it was just a
30 doctor, no big deal?
31 A. It was okay.
32 Q. It was okay. All right. And then after you first

1 went to Dr. Glowackie -- Am I saying that right?
2 A. Dr. Glowackie.
3 Q. Dr. Glowackie. After that, did you go back to
4 Dr. Glowackie again?
5 A. (Nods head indicating an affirmative response.)
6 Q. Do you know why you went a second time?
7 A. (Shakes head indicating a negative response.)
8 Q. No. After you went to Dr. Glowackie the first time,
9 did you see Maeli again?
10 A. (Nods head indicating an affirmative response.)
11 Q. You did? And where did you see her?
12 A. One time at a restaurant.
13 Q. So it was one time at a restaurant?
14 A. When we went -- When we went swimming, I think, and
15 Maeli didn't go swimming, but some other people did.
16 Q. Okay. You saw her at a restaurant or you saw her at
17 a house with a swimming pool?
18 A. Both.
19 Q. Both.
20 A. At a restaurant, at the swimming pool.
21 Q. Okay.
22 A. At a crawfish boil.
23 Q. Was that all at the same time?
24 A. (Shakes head indicating a negative response.)
25 Q. No. Those were three different times you saw her?
26 A. (Nods head indicating an affirmative response.)
27 Q. Now, were you and Maeli ever alone on those visits?
28 A. (Shakes head indicating a negative response.)
29 Q. No. So y'all didn't go play by yourselves anywhere?
30 A. (Shakes head indicating a negative response.)
31 Q. Okay. All right. Are you afraid of Maeli?
32 A. (Shakes head indicating a negative response.)

1 Q. No. Okay. And Maeli is a little kid, right?
2 A. (Shakes head indicating a negative response.)
3 Q. Maeli couldn't do anything to you if you didn't want
4 her to do something; is that true?
5 A. (Nods head indicating an affirmative response.)
6 Q. Okay.
7 A. What was the question again?
8 Q. The question was were you and Maeli alone in any of
9 those places? Did y'all go play alone somewhere?
10 A. (Shakes head indicating a negative response.)
11 Q. The answer is no, right?
12 A. Yes.
13 Q. Then I said Maeli couldn't do anything to you -- If
14 you didn't want her to do something, you could stop her
15 because she's smaller. Am I right or wrong about that?
16 A. What do you mean?
17 Q. Well, like if Maeli said, "I want to play the pull
18 down pants game." And you said, "No, Maeli, I'm not doing
19 it," she couldn't make you do it because you are bigger
20 than her.
21 A. (Nods head indicating an affirmative response.)
22 Q. Am I right about that?
23 A. (Shakes head indicating a negative response.)
24 Q. I'm not right about that.
25 A. (Shakes head indicating a negative response.)
26 Q. She could make you play it even though you didn't
27 want to?
28 A. (Nods head indicating an affirmative response.)
29 Q. How could she do that?
30 A. I don't know.
31 Q. You don't know. Okay. Would you feel like she
32 could make you do it even if you didn't want to?

- 1 A. (Nods head indicating an affirmative response.)
- 2 Q. So you would rather not be alone with Maeli?
- 3 A. (Nods head indicating an affirmative response.)
- 4 Q. Now, have you ever had any contact with H [REDACTED] after
- 5 you went to Dr. Glowackie?
- 6 A. (Shakes head indicating a negative response.)
- 7 Q. You haven't seen him since then?
- 8 A. (Shakes head indicating a negative response.)
- 9 Q. Do you know why?
- 10 A. (Shakes head indicating a negative response.)
- 11 Q. You just haven't seen him?
- 12 A. (Shakes head indicating a negative response.)
- 13 Q. All right. Okay.
- 14 So the second time you went to see Dr. Glowackie,
- 15 what did he do? Did he just check you again?
- 16 A. (Nods head indicating an affirmative response.)
- 17 Q. And how was that?
- 18 A. I don't know.
- 19 Q. You don't know?
- 20 A. (Shakes head indicating a negative response.)
- 21 Q. Did you tell Dr. Glowackie?
- 22 A. (Shakes head indicating a negative response.)
- 23 Q. You didn't tell him?
- 24 A. (Shakes head indicating a negative response.)
- 25 Q. Did you hear your mom tell him?
- 26 A. (Shakes head indicating a negative response.)
- 27 Q. Did you tell anybody about H [REDACTED] playing the game
- 28 with you and Maeli?
- 29 A. (Nods head indicating an affirmative response.)
- 30 Q. Who did you tell?
- 31 A. My mamma.
- 32 Q. Your mom. When did you tell your mom?

- 1 A. When I woke up.
- 2 Q. When you woke up?
- 3 A. (Nods head indicating an affirmative response.)
- 4 Q. Which time?
- 5 A. I don't know.
- 6 Q. You don't know. Now, when you told your mom, did
- 7 you just tell her about you and Maeli or did you just tell
- 8 her about --
- 9 A. Both.
- 10 Q. -- H [REDACTED]? You told her about H [REDACTED] also?
- 11 A. (Nods head indicating an affirmative response.)
- 12 Q. Was that around the time that you stopped seeing
- 13 your dad?
- 14 A. No, I didn't tell her both.
- 15 Q. Oh, you didn't tell her both. You just told her
- 16 about Maeli?
- 17 A. (Nods head indicating an affirmative response.)
- 18 Q. Did you ever tell anybody about H [REDACTED] playing the
- 19 game with you and Maeli?
- 20 A. (Shakes head indicating a negative response.)
- 21 Q. No. So this is the first time you tell anybody
- 22 about H [REDACTED]?
- 23 A. Well, um, I told my mamma first. I was too scared
- 24 to tell my mamma at first because H [REDACTED] said that I was
- 25 going to get punished. And I think sooner or later, I
- 26 told my mamma about H [REDACTED].
- 27 Q. Sooner or later you told your mamma about H [REDACTED]?
- 28 A. (Nods head indicating an affirmative response.)
- 29 Q. Was anybody else there when you told your mamma
- 30 about H [REDACTED]?
- 31 A. (Shakes head indicating a negative response.)
- 32 Q. Just you and her?

- 1 A. (Nods head indicating an affirmative response.)
2 Q. Did you say it again in front of anybody else that
3 you can remember?
4 A. (Shakes head indicating a negative response.)
5 Q. No. So other than telling your mother and telling
6 me today, that's the only two times you have told anybody
7 about H [REDACTED]?
8 A. (Shakes head indicating a negative response.)
9 Q. No. Who? When's the other time you told somebody
10 about H [REDACTED]?
11 A. When I went -- After I went to the dentist, I went
12 to go see, um -- I forgot the name.
13 Q. After you went to the dentist, you went to see
14 somebody?
15 A. (Nods head indicating an affirmative response.)
16 Q. Was it Mr. Marcantel?
17 A. (Nods head indicating an affirmative response.)
18 Q. It was him right there?
19 A. (Nods head indicating an affirmative response.)
20 Q. So did you tell him about it?
21 A. (Nods head indicating an affirmative response.)
22 Q. Now, that was after you had told your mother or did
23 you tell your mother and Mr. Marcantel at the same time?
24 A. Not at the same time.
25 Q. Not at the same time. Okay. All right. So what
26 made you decide to go ahead and tell even though H [REDACTED]
27 told you you would get punished?
28 A. I don't know.
29 Q. You don't know. Was it bugging you?
30 A. I don't know.
31 Q. You are not sure?
32 A. Not sure.

1 Q. Okay. All right. Are you, um, do you want to see
2 your dad?
3 A. (Shakes head indicating a negative response.)
4 Q. Why not?
5 A. Because he is mean to me and he hollers at me and he
6 says never and he says never and he squeezes my arm
7 sometimes.
8 Q. Because he is mean to you and he yells at you and he
9 says never?
10 A. And he squeezes my arm.
11 Q. And he squeezes your arm. Why does he say never?
12 A. Because when I ask him about the shirt thing, the
13 shirt where you decorate the shirt and stuff, and when I
14 asked him, he said never.
15 Q. About decorating a shirt and he said never?
16 A. (Nods head indicating an affirmative response.)
17 Q. And that upset you?
18 A. (Nods head indicating an affirmative response.)
19 Q. Show me how he squeezes your arm.
20 A. (Demonstrates.)
21 Q. Like that. Is it because you are cutting up or
22 being bad?
23 A. I don't know. Maybe I'm in his way or something.
24 Q. In a man's way?
25 A. Maybe I'm in his way or something. I don't know.
26 Q. Oh, maybe you are in his way or something.
27 A. Yeah.
28 Q. You think he means to squeeze your arm? Does it
29 hurt when he squeezes it or just a squeeze?
30 A. I don't know.
31 Q. You are not sure. All right. Are you worried that
32 your dad is going to punish you like H [REDACTED] said he would?

- 1 A. (Nods head indicating an affirmative response.)
2 Q. Is that worrying you? Okay. All right. So you are
3 afraid that what H [REDACTED] told you might be true that you
4 could get punished by your dad?
5 A. (Nods head indicating an affirmative response.)
6 Q. All right. If you knew your dad wasn't upset with
7 you about that and he wasn't going to punish you, would
8 you want to see him?
9 A. (Shakes head indicating a negative response.)
10 Q. No. Can you tell me why?
11 A. Because he is mean to me.
12 Q. He is mean to you. When did he start being mean?
13 A. I don't know.
14 Q. You are not sure. And can you -- Are there any
15 other examples or any other times that you can tell me
16 about that he was mean?
17 A. (Shakes head indicating a negative response.)
18 Q. No. Did anybody tell you that your dad was going to
19 be mad at you or he was going to be mean to you?
20 A. (Shakes head indicating a negative response.)
21 Q. No. Did your dad ever tell you anything about Maeli
22 or H [REDACTED]?
23 A. (Shakes head indicating a negative response.)
24 Q. No. In other words, he never told you: Oh, that
25 doesn't happen. Or: You are making it up. He didn't say
26 anything like that?
27 A. When I asked -- When I said I'm not supposed to play
28 with Maeli?
29 Q. Um-hum.
30 A. And he said none of that's true and he said none of
31 that's true.
32 Q. Okay. When you said I'm not supposed to play with

1 Maeli, he said none of that's true?
2 A. (Nods head indicating an affirmative response.)
3 Q. Did he mean about not being able to play with her?
4 A. (Nods head indicating an affirmative response.)
5 Q. Yeah. He was referring to that?
6 A. (Nods head indicating an affirmative response.)
7 Q. He wasn't talking about the pulling down your pants
8 game when he said that?
9 A. (Shakes head indicating a negative response.)
10 Q. You are shaking your head no?
11 A. No.
12 Q. Okay. All right. Does it bother you to see Maeli?
13 A. (Nods head indicating an affirmative response.)
14 Q. Would you rather not see her or you are okay as long
15 as there is other adults around?
16 A. (Shakes head indicating a negative response.)
17 Q. You would rather not see Maeli?
18 A. (Shakes head indicating a negative response.) No.
19 Q. No. Okay. You don't want to see Maeli. All right.
20 And you haven't seen H [REDACTED] --
21 A. (Shakes head indicating a negative response.)
22 Q. -- since this happened?
23 A. (Shakes head indicating a negative response.)
24 Q. But you don't want to be around H [REDACTED] either?
25 A. (Shakes head indicating a negative response.)
26 Q. All right. Okay. Can you tell me how you feel
27 about all this?
28 A. Um, sad.
29 Q. It makes you feel sad. You know, this wasn't your
30 fault; you understand that?
31 A. (Nods head indicating an affirmative response.)
32 Q. Okay. So you don't need to feel sad. You think it

1 would help if you could talk to somebody about this kind
2 of stuff?
3 A. (Shakes head indicating a negative response.)
4 Q. You know, like a counselor or somebody like that?
5 A. (Shakes head indicating a negative response.)
6 Q. You don't want to talk to anybody about that?
7 A. (Shakes head indicating a negative response.)
8 Q. I know it's not easy to sit in a room full of people
9 and talk to me today. And I really do appreciate you
10 doing that. Okay.
11 A. (Nods head indicating an affirmative response.)
12 Q. Do you want to see your dad today?
13 A. (Shakes head indicating a negative response.)
14 Q. You don't want to just be able to visit with him?
15 A. (Shakes head indicating a negative response.)
16 Q. Even if I'm there? You don't want to talk with your
17 dad or visit with him today?
18 A. (Shakes head indicating a negative response.)
19 Q. Okay. I'm trying to figure out why.
20 A. I don't want.
21 Q. You are not sure?
22 A. Because he is mean.
23 Q. Because he is mean. When he --
24 A. And one time I spelled my name wrong and he put me
25 on my knees.
26 Q. One time you spelled your name wrong and he put you
27 on your knees?
28 A. (Nods head indicating an affirmative response.)
29 Q. Have you told your mother before that you didn't
30 want to see your dad or it happened since this situation
31 with H [REDACTED]?
32 A. What do you mean?

1 Q. Like, I'm trying to figure out when you decided you
2 didn't want to see your dad anymore.
3 A. Um, I don't know.
4 Q. You don't know when you decided?
5 A. (Shakes head indicating a negative response.)
6 Q. So did you ever tell your mom, "I don't want to see
7 my dad"?
8 A. (Nods head indicating an affirmative response.)
9 Q. When did you tell her that first time?
10 A. I don't know.
11 Q. You don't know that either?
12 A. (Shakes head indicating a negative response.)
13 Q. Was it after all this stuff with H [REDACTED]?
14 A. (Shrugs shoulders.)
15 Q. You are not sure. Are you afraid if you saw your
16 dad today what he would tell you or that he'll punish you
17 or that he might be angry with you?
18 A. (Nods head indicating an affirmative response.)
19 Q. And I'm trying to figure out why you think he would
20 be angry with you or that he might punish you.
21 A. Because H [REDACTED] told me I was going to get punished.
22 Q. Because H [REDACTED] told you that?
23 A. I mean, um, that I played the game.
24 Q. That you played the game. Okay. Well, I'm going to
25 tell you, your dad is not going to punish you. He's not
26 going to punish you for that. H [REDACTED] told you that so you
27 wouldn't tell anybody. You understand?
28 A. (Nods head indicating an affirmative response.)
29 Yes.
30 Q. Your dad is not going to punish you.
31 Now, how long were y'all in H [REDACTED]'s room? Do you
32 know?

1 A. No.

2 Q. Was it pretty fast or was it, you know, like --

3 A. I don't really know.

4 Q. -- a long time. Was it as long as a TV show or was

5 it way like, more like a commercial?

6 A. I don't really know.

7 Q. You don't know?

8 A. (Shakes head indicating a negative response.)

9 Q. Um --

10 A. It was -- It was like as long as a few commercials.

11 Q. As long as a few commercials. Okay. All right.

12 A. Maybe I think Maeli was still in the room. We left

13 the room without Maeli.

14 Q. Okay. So you and H [REDACTED] left the room?

15 A. (Shakes head indicating a negative response.)

16 Q. No?

17 A. H [REDACTED] stayed with Maeli.

18 Q. H [REDACTED] stayed with Maeli and you left?

19 A. And I don't know what H [REDACTED] did with Maeli.

20 Q. And you don't know what happened after you left?

21 A. (Shakes head indicating a negative response.)

22 Q. Okay. All right. If I make a promise to you, if I

23 promise you your dad is not going to punish you, he is not

24 going to be mad at you and not going to fuss at you, would

25 you say hi to your dad today just so y'all can see each

26 other?

27 A. (Shakes head indicating a negative response.)

28 Q. No?

29 A. No.

30 Q. What would -- What would make you want to see your

31 dad? What would have to happen for you to want to see

32 your dad?

1 A. Nothing.

2 Q. Nothing?

3 A. (Shakes head indicating a negative response.)

4 Q. You don't want to ever see him again?

5 A. I don't know.

6 Q. Or you just don't know what to feel right now?

7 A. I don't know.

8 Q. Okay. All right. You are not saying never. You

9 are just saying right now I've got all this -- I've got to

10 talk to you and I just would rather not right now. Is

11 that what you are telling me?

12 A. I think so, but I don't know.

13 Q. You think so, but you don't know. I understand.

14 These are really hard things to talk about. And I know

15 it's really hard to come in and talk in front of all of

16 us. And I know that wasn't easy for you to do, but it was

17 really brave for you to come in and talk to me today and I

18 do really appreciate it. Okay. So I'm going to --

19 A. Okay.

20 Q. I'm going to make things better. Okay? I'm going

21 to help your mom and dad to get along better than they

22 have been getting along and I'm going to help you to not

23 feel bad about all this stuff.

24 A. Okay.

25 Q. And I'm going to help you and your dad get back

26 together. We are not going to do anything today, but I

27 will help you with that. Okay?

28 A. Okay.

29 Q. So I need to know if there is anything else that you

30 want me to tell your dad or talk to your dad about that

31 would make the situation better for you? Is there

32 something that you would like me to tell him?

1 A. (Shakes head indicating a negative response.)
2 Q. No. Okay. Is there something else that I could do
3 to help you here or is there anything else that you want
4 to tell me?
5 A. No.
6 Q. No. Okay. How is school?
7 A. Good.
8 Q. How are your grades?
9 A. Good.
10 Q. Good. What's good? Tell me what you mean by good.
11 Tell me what your grades are.
12 A. A's.
13 Q. All A's?
14 A. (Nods head indicating an affirmative response.)
15 Q. That's really good.
16 A. Sometimes a minus.
17 Q. Oh, that's not bad. That's good. I have kids tell
18 me my grades are good. And I say what are your grades?
19 Most of them have C's and D's. But all A's and A minuses.
20 Most of them have D's and C's if they're fudging with me.
21 But you promised to tell me the truth today. Is
22 everything you told me the truth?
23 A. (Nods head indicating an affirmative response.)
24 Q. You didn't make anything up?
25 A. (Shakes head indicating a negative response.)
26 Q. You didn't tell me any stories? This is all what
27 happened?
28 A. Yes.
29 Q. Okay.
30 THE COURT: Counsel, do y'all have any you
31 would like me to ask?
32

1 BY THE COURT:
2 Q. Now, um, did you, um, did you ever tell your dad
3 that you didn't want to play with Maeli?
4 A. No.
5 Q. You never did tell him that? Did your mom ever tell
6 you that you and Maeli were not supposed to play with each
7 other?
8 A. She told me that I'm not supposed to play with
9 Maeli.
10 Q. She told you that you are not supposed to play with
11 Maeli?
12 A. After I played the game.
13 Q. After you played the game. Okay. And was that
14 after you went to Dr. Glowackie the first time or was it
15 before you went to Dr. Glowackie? Do you remember when?
16 A. Um --
17 Q. When did she tell you that you and Maeli aren't
18 supposed to play like that?
19 A. I don't know.
20 Q. You are not sure. Okay.
21 Now, um, when it was just you and Maeli that were
22 playing together in Sage's room, why were y'all playing in
23 Sage's room?
24 A. Because they were having -- because somebody was
25 having a wedding.
26 Q. Okay. In the rest of the house?
27 A. (Shakes head indicating a negative response.)
28 Q. Outside?
29 A. No. It was in Maeli's room.
30 Q. They were having a wedding in Maeli's room?
31 A. (Nods head indicating an affirmative response.)
32 Q. So y'all had to be in Sage's room?

- 1 A. (Nods head indicating an affirmative response.)
- 2 Q. That's interesting. So how long were y'all all in
- 3 the room together?
- 4 A. Like what do you mean?
- 5 Q. Was it you and Maeli and Sage in Sage's room?
- 6 A. (Nods head indicating an affirmative response.)
- 7 Q. And so how long were y'all in there? Was it like a
- 8 TV show or a few commercials?
- 9 A. I think until dark, I think.
- 10 Q. Until dark? So was it a long time that y'all were
- 11 in there?
- 12 A. Until we were there, me and my daddy were there.
- 13 Q. Okay. But I'm asking --
- 14 A. How long we were there?
- 15 Q. No. How long were y'all -- How long were you and
- 16 Maeli and Sage alone together in Sage's room?
- 17 A. A long time.
- 18 Q. It was a long time?
- 19 A. (Nods head indicating an affirmative response.)
- 20 Q. Did anybody come and check on y'all?
- 21 A. Only one time my dad.
- 22 Q. Your daddy came and checked?
- 23 A. Only one time. That's it.
- 24 Q. Okay. So was it as long as the TV show?
- 25 A. I don't know.
- 26 Q. Not sure?
- 27 A. Not sure.
- 28 Q. Do you know how long the wedding lasted?
- 29 A. I don't know.
- 30 Q. You don't know?
- 31 A. It wasn't when we were there.
- 32 Q. Oh, the wedding wasn't when you were there. I see.

1 It was some other time?
2 A. It was like tomorrow or the next day.
3 Q. So they were fixing up the room? Is that what they
4 were doing?
5 A. (Nods head indicating an affirmative response.)
6 Q. For the wedding?
7 A. Yes.
8 Q. I got you. Okay. All right. Now, how old is Sage?
9 A. Like two or three.
10 Q. Two or three. Okay. He is smaller than Maeli?
11 A. (Nods head indicating an affirmative response.)
12 Yes.
13 Q. Yeah. All right. Does Maeli have her own room?
14 A. Yes.
15 Q. That was the room they were going to use for the
16 wedding?
17 A. (Nods head indicating an affirmative response.)
18 Q. So that's why y'all weren't in that room?
19 A. Yes.
20 Q. I got you. After you went to see Dr. Glowackie the
21 first time, you know the first time that he checked you
22 out, did you go back to Miss Dawn's house after that?
23 A. (Shakes head indicating a negative response.)
24 Q. You never went back over there?
25 A. (Shakes head indicating a negative response.)
26 Q. And you never saw H [REDACTED] again?
27 A. No.
28 Q. Okay. All right. Okay.
29 THE COURT: Do you have any questions,
30 Ms. Hurst?
31 MS. HURST: Yes, I have a few.
32 (MS. HURST HANDS WRITTEN QUESTIONS TO THE COURT)

1 BY THE COURT:
2 Q. Did anybody tell you not to talk to your dad today?
3 A. No.
4 Q. No. Nobody said don't talk to your dad?
5 A. I don't know. I don't remember.
6 Q. You don't remember anybody saying that?
7 A. (Shakes head indicating a negative response.)
8 Q. Did your mom say anything like that?
9 A. I don't remember.
10 Q. You don't remember either if she said it? Do you
11 and your mom talk about your dad?
12 A. No.
13 Q. No. Okay. Do you talk to your mom about your dad?
14 A. No.
15 Q. Have you ever told your mom anything about you don't
16 want to visit or you are scared of your dad or anything
17 like that?
18 A. Yes.
19 Q. You told your mom?
20 A. I told my mamma that I'm scare of my dad and I don't
21 want to see my dad.
22 Q. You told your mom you were scared of your dad and
23 you don't want to see him?
24 A. (Nods head indicating an affirmative response.)
25 Q. Is that because you were afraid he is angry with you
26 and he is going to punish you?
27 A. (Nods head indicating an affirmative response.)
28 Q. Yes?
29 A. Yes.
30 Q. Is there any other reason why you told your mom
31 that?
32 A. That he was, um -- What do you mean like?

- 1 Q. Like you told me that he was mean to you. Is that
2 why you told her that or that's just kind of --
- 3 A. No.
- 4 Q. Okay. Is your dad -- Is it that your dad has hurt
5 your feelings? Or that your dad has been mean to you? Do
6 you know the difference by that?
- 7 A. (Shakes head indicating a negative response.)
- 8 Q. Well, like mean would be doing something
9 intentionally to you, um, you know that would be trying to
10 hurt you or upset you. But if he just hurts your
11 feelings, it would be something that he didn't really mean
12 to hurt your feelings, but it still hurt your feelings.
13 You understand the difference? Mean would be doing
14 something on purpose.
- 15 A. Yes.
- 16 Q. He did something on purpose?
- 17 A. (Shakes head indicating a negative response.)
- 18 Q. No. Okay. But he did do things that hurt your
19 feelings, but maybe he didn't mean to do so?
- 20 A. (Nods head indicating an affirmative response.)
- 21 Q. Okay. All right. So is that part of reason why you
22 told your mom that or really it's just because of what
23 H [REDACTED] said?
- 24 A. It's really because of what H [REDACTED] said.
- 25 Q. Because of what H [REDACTED] said. And that you are
26 afraid he is going to be mad at you for that?
- 27 A. Well, it's just my daddy, I don't know. I don't
28 know.
- 29 Q. Okay. All right. Does your mom ever talk about
30 your dad to you?
- 31 A. No.
- 32 Q. No. Does she ever say any mean things about your

- 1 dad?
- 2 A. No.
- 3 Q. Does she ever say any ugly things about your dad?
- 4 A. No.
- 5 Q. Does your dad ever say any mean things about your
- 6 mom?
- 7 A. No.
- 8 Q. No. Does your dad ever say anything ugly about your
- 9 mom?
- 10 A. No.
- 11 Q. Now, do your mom and dad get along?
- 12 A. Not really.
- 13 Q. Not really. Can you tell me what happens when they
- 14 don't get along?
- 15 A. I don't know.
- 16 Q. You don't know?
- 17 A. (Shakes head indicating a negative response.)
- 18 Q. How does it make you feel when they don't get along?
- 19 A. Sad.
- 20 Q. Sad. You wish they got along?
- 21 A. (Nods head indicating an affirmative response.)
- 22 Q. It would make things easier and better for you?
- 23 A. (Nods head indicating an affirmative response.)
- 24 Q. I'm going to talk to them about that too. Okay?
- 25 A. (Nods head indicating an affirmative response.)
- 26 Q. They need to do a better job. Is there anything
- 27 else that you want to tell me?
- 28 A. (Shakes head indicating a negative response.)
- 29 Q. Anything else you want to get off your chest and
- 30 just ease your mind about?
- 31 A. (Shakes head indicating a negative response.)
- 32 Q. Okay. All right. Well, listen, again, I want to

1 thank you for coming. I know it was difficult for you to
2 do. And it was a very brave thing for you do. Okay.
3 A. (Nods head indicating an affirmative response.)
4 Q. I don't want you to feel bad about any of this
5 stuff. All right?
6 A. (Nods head indicating an affirmative response.)
7 Q. You didn't do anything wrong. Okay?
8 A. Okay.
9 Q. And so you need to not feel bad about it. And I
10 promise you, I'm going to have a good, long talk with both
11 of your parents and have a good long talk with your dad
12 too. I promise you, your dad is not going to punish you.
13 I promise you, your dad is not going to be mad at you. I
14 understand today that maybe there is just a little too
15 much going on and you would rather not see your dad today.
16 Is that true?
17 A. I don't know.
18 Q. You don't know. Okay. All right. So I'm taking "I
19 don't know" to mean that right now, today, you don't want
20 to really talk with your dad today?
21 A. (Nods head indicating an affirmative response.)
22 Q. Okay. All right. Okay.
23 THE COURT: Anything else, counsel?
24 Anything further? All right. Okay. Ms. Velma,
25 if you would take her back out. It was really
26 nice to meet you. Thank you.
27 (THE MINOR CHILD IS ESCORTED FROM THE COURTROOM)
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C E R T I F I C A T E

PARISH OF LAFAYETTE
STATE OF LOUISIANA

I, Margaret D. Duhon, in good standing with the Louisiana Board of Certified Court Reporters, hereby certify that I am a duly appointed, certified, and acting official court reporter of the 15th Judicial District Court for the Parishes of Acadia, Lafayette, and Vermilion, State of Louisiana.

I further certify that the foregoing 35 pages is a true and correct transcript of the proceedings had in the above-entitled cause; that the testimony of said transcript was reported to me in shorthand and transcribed by myself or under my personal direction and supervision, and that same constitutes a total transcription of the requested material in the above-captioned matter.

Lafayette, Louisiana, this 18th day of April 2012.

Margaret D. Duhon
MARGARET D. DUHON, CCR, RPR



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MARGARET D. DUHON ** OFFICIAL COURT REPORTER
15TH JUDICIAL DISTRICT COURT

01/31/2012 17:39 33789L

FREDS PHARMACY

PAGE 01/02

Jenny Moore, LPC
315 S. College Rd., Suite 225
Lafayette, Louisiana 70506
(337)202-8743 Office (337)269-5525 Fax

January 10, 2012

RE: Brandon J. Mouret v. Krista M. Stegall
Docket No: 2008-4909-H2

Honorable Judge David A. Blanchet:

This letter is in reference the current counseling case regarding the reconciliation between Brandon Mouret and his daughter, S [REDACTED].

I was contacted on October 24th, 2011 by Judge Blanchet regarding the case and received the signed court order for reconciliation via fax the next day, October 25th, 2011. Brandon Mouret contacted my office on November 2nd and Krista Stegall contacted my office on November 3rd.

Listed below is the timeline of appointments and the attendees:

- November 8th, 2011.....Individual session with Brandon Mouret
- November 11th, 2011.....Reconciling session with Brandon Mouret and S [REDACTED] S [REDACTED]
- November 14th, 2011.....Individual session with S [REDACTED] S [REDACTED]
- November 21st, 2011.....Individual session with S [REDACTED] S [REDACTED]
- December 7th, 2011.....Individual session with S [REDACTED] S [REDACTED]
- December 8th, 2011.....Individual session with Brandon Mouret
- December 22nd, 2011.....Reconciling session with Brandon Mouret and S [REDACTED] S [REDACTED]
- December 28th, 2011.....Reconciling session with Brandon Mouret and S [REDACTED] S [REDACTED]
- January 3rd, 2012.....Individual session with S [REDACTED] S [REDACTED]

Became mostly a session with Brandon and Krista Stegall

During each reconciliation session S [REDACTED] would place her hand over her eyes so to not to look at dad, Brandon. Dad attempted to talk with her, share his feelings, was very appropriate with his direction toward her and all of his attempts to engage her. She asked me to leave several times during each session, which I did not comply with. Brandon Mouret was appropriate throughout each reconciliation session, but S [REDACTED] would not respond.

FILED OF EVIDENCE	
EXHIBIT	Pa-3
DATE	12-8-11
SUIT #	20121824
DY. CLERK	[Signature]

RD #3

JR

During individual sessions with S [REDACTED] she became more comfortable and sharing with me as the sessions progressed. Her account of the incident remains the same the two times she shared with me. Her recollection continues to be: the night of the crawfish boil @ Ms. Dawn's house, the three children were upstairs, H [REDACTED], Maley and S [REDACTED]. H [REDACTED] helped Maley up the stairs, and while upstairs, H [REDACTED] told both girls to pull down her pants and if she didn't she would get punished. S [REDACTED] stated feeling very uncomfortable, and H [REDACTED] pulled her pants down first. She reported that as soon after he touched her, she pulled up her pants and ran down the stairs, then outside to find her dad. She admitted to not seeing Maley get touched and she didn't tell her dad because she thought she would get punished.

She reported never been alone with H [REDACTED] before that or since then. The second incident she reported was at Maley's house and Maley asked her if she wanted to play the pull your pants down game.

S [REDACTED] began the sessions with thinking her dad would not protect her, especially because he doesn't believe her. During the last session, she stated she does not know how she feels about her dad. S [REDACTED] Mother and Father stated S [REDACTED] use to love to go to her dad's to visit. I recommend continued reconciliation sessions.

Yours very truly,

Jenny Moore, LPC
Licensed Professional Counselor
Parenting Coordinator

Jenny Moore, LPC

Cc: Mr. H. Glenn Marcantel (Krista Stegall)
Mr. Brandon J. Mouret

FS

Jenny Moore, LPC
Licensed Professional Counselor
315 S. College Rd., Suite 225
Lafayette, Louisiana 70503
(337)303-5743 Office (337)269-5525 Fax

March 14, 2012

RE: Brandon J. Mouret v. Krista M. Stegall
Docket No: 2008-4909-H2

Honorable Judge David A. Blanchet:

This letter is in reference to the current counseling case regarding the reconciliation between Brandon Mouret and his daughter, S [REDACTED] S [REDACTED].

I began counseling with this father and daughter in November of 2011. S [REDACTED] and I developed a comfortable rapport throughout this time. The sessions with S [REDACTED] and Brandon began with her not wanting to look at or interact with him, but she was responsive to me. During the last few sessions S [REDACTED] has become more withdrawn. She has shut down, not talking or making eye contact with me unless she is prompted. She has not shared any of her feelings or thoughts, nothing. She sits very still on the edge of the chair, looking down with a blunted affect. She doesn't respond to any questions with dad present and in individual sessions with me. The mother reports S [REDACTED] refusing to attend sessions. She stated S [REDACTED] has been experiencing some significant anxiety symptoms prior to the sessions; nausea, crying, complaining of physically not feeling well.

I am concerned for this child. I am not sure of the reasons or causes for her behavior, but I am not comfortable with continuing this attempt for reconciliation. I understand Brandon Mouret wanting a relationship with his daughter S [REDACTED]. I feel some other type of intervention or service needs to be considered at this time. Perhaps S [REDACTED] could benefit from individual counseling with a therapist that specializes with children dealing with anxiety and parental discord.

Yours very truly,

Jenny Moore, LPC
Licensed Professional Counselor
Parenting Coordinator

Cc: Ken Bouillion, Ph.D.
Ms. Krista Stegall
Mr. Brandon J. Mouret

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FILED OF EVIDENCE	
EXHIBIT	Pd-4
DATE	12-8-10
SUIT #	20121824
BY CLERK	[Signature]

Dear Diary

I went to court today

The Judge said H [redacted] said

He did not touch me but
He did!!!

I told the Judge he did
Lying!!!

I don't think the Judge
likes me anymore.

I wish the Judge and
everybody could feel how
Dirty & Felt up.

The only thing good was
getting my diary back. The end

Love, [redacted]

PD # 4

P.3

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