

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Rachelle "Shelly" Lynne Deckert Dick
Maiden name: Rachelle Lynne Deckert

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Middle District of Louisiana

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Law Offices of Shelly D. Dick, LLC
d/b/a Forrester, Dick & Clark
4981 Bluebonnet Boulevard
Baton Rouge, Louisiana 70809

4. **Birthplace**: State year and place of birth.

1960; El Paso, Texas

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1985 – 1988, Louisiana State University Paul M. Hebert Law Center; J.D., 1988
1980 – 1981, University of Texas at Austin; B.B.A. (*cum laude*), 1981
1978 – 1980, North Texas State University; no degree

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1994 – Present
Law Offices of Shelly D. Dick, LLC
d/b/a Forrester, Dick & Clark (f/k/a Forrester & Dick; Forrester, Jordan & Dick)

4981 Bluebonnet Boulevard
Baton Rouge, Louisiana 70809
Partner

2008 – Present
Louisiana Workforce Commission
Post Office Box 94040
Baton Rouge, Louisiana 70804
Ad Hoc Hearing Officer

1988 – 1994
Gary Field Landry and Dornier
8555 United Plaza Boulevard
Baton Rouge, Louisiana 70809
Associate (1988 – 1994)
Law Clerk (1988)

1987 – 1988
Kean Miller, LLP
400 Convention Street, Suite 700
Baton Rouge, Louisiana 70802
Law Clerk

1986 – 1987
18th Judicial District Court of Louisiana
850 Eighth Street
Plaquemine, Louisiana 70767
Law Clerk to the Honorable Judge Catherine “Kitty” Kimball

1982 – 1985
The Dow Chemical Company
4150 South Sherwood Forrest Boulevard
Baton Rouge, Louisiana 70816
Outside Sales

Other Affiliations (uncompensated):

2011 – Present
Grace George, LLC (no profits generated)
2051 Silverside Drive, Suite 110
Baton Rouge, Louisiana 70808
Member

2002 – Present
Lamp Ladies, LLC (no profits generated)
5535 Montrose Avenue

Baton Rouge, Louisiana, 70806
Member (2002 – present)
Member, Lamp Ladies d/b/a “Frockz” (2008 – present)

2002 – Present
First United Methodist Church
930 North Boulevard
Baton Rouge, Louisiana 70801
Member, Administrative Board (2002 – present)
Member, Board of Trustees (2012 – present)

2011
iHope Baton Rouge, a Freedom School affiliate
3852 East Brookstown Drive
Baton Rouge, Louisiana 70805
Founding Member and Member, Board of Directors

1998 – 2001
Greater Baton Rouge Federation of Churches and Synagogues
(now known as Interfaith Federation of Greater Baton Rouge)
3112 Convention Street
Baton Rouge, Louisiana 70806
Board Member (est. 1998 – 2001)
President (est. 2000)

1997 – 1999
The Early Learning Center, Child Development and Guidance Center
930 North Boulevard
Baton Rouge, Louisiana 70801
Board Member (1997 – 1999)
President (1999)

1989 – 1996
Young Women’s Christian Association of Baton Rouge
8281 Goodwood Boulevard, Suite B1
Baton Rouge, Louisiana 70806
Board Member (est. 1989 – 1996)
Secretary-Treasurer (est. 1992)

1989 – 1994
Capital Area Family Violence Intervention Center
The Battered Women’s Center
3730 St. Gerard Street
Baton Rouge, Louisiana 70805
Board of Directors (est. 1989 – 1994)
President (est. 1993)

1991 – 1993

Dean Henry George McMahon American Inns of Court
777 Florida Boulevard
Baton Rouge, Louisiana 70801
Secretary-Treasurer

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military and was not required to register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Women of Excellence Award in the Field of Government & Law, Louisiana Legislative
Women's Caucus (2012)
University of Texas Dean's List (1980 – 1981)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association
Association for Transportation Law, Logistics, and Policy
Bar Association of the Fifth Federal Circuit
Baton Rouge Association of Women Attorneys (est. 1996 – 1998)
Baton Rouge Bar Association
Chair, Mock Trial Committee (1992)
Dean Henry George McMahon American Inns of Court
Pupil (1993 – 1997)
Secretary-Treasurer (1991 – 1993)
Federal Bar Association
Louisiana Association of Defense Counsel
Louisiana State Bar Association
National Association of Railroad Trial Counsel

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Louisiana, 1988

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 1994

United States Court of Appeals for the Fifth Circuit, 1990

United States District Court for the Eastern District of Louisiana, 1988

United States District Court for the Middle District of Louisiana, 1988

United States District Court for the Western District of Louisiana, 1988

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Baton Rouge Chamber of Commerce (1997 – 2001)

Boys & Girls Club of Greater Baton Rouge Host Committee for fundraiser and local art auction (2004)

Capital Area Family Violence Intervention Center (also known as The Battered Women's Center)

Member, Board of Directors (est. 1989 – 1994)

President (est. 1993)

Catholic High School Mother/Son Breakfast, Chair (2007)

Dunham School Mother's Brunch (1998)

Early Learning Center, Child Development and Guidance Center

Member, Board of Directors (1997 – 1999)

President (1999)

First United Methodist Church

Member, Administrative Board (2002 – Present)

Member, Board of Trustees (2012 – Present)

Member, Staff Parish Relations Committee (2008 – 2010)

Volunteer, United Methodist Youth Fellowship (2000 – Present)

Volunteer, Sunday School Teacher (1998 – Present)

Chair, The Future is Now Capital Campaign (2010 – 2011)

Member Missions Committee (2011 – Present)

Greater Baton Rouge Federation of Churches and Synagogues (now known as Interfaith Federation of Greater Baton Rouge)

Member, Board of Directors (est. 1998 – 2001)

President (est. 2000)

The Holy Grill Volunteer (1994 – 1998)

Member, Sustained Dialogue on Race (est. 1998 – 2000)

iHope Baton Rouge, a Freedom School affiliate

Founding Member and Member, Board of Directors (2011)

Junior League of Baton Rouge (1986 – 1991)

Volunteer Baton Rouge! Marketing Committee (1990 – 1992)

Leadership Baton Rouge (1994)

Louisiana Resource Center for Educators, Fund Raising Committee (2005)

Sunrise Rotary Club Member (1996 – 1999)

Young Women's Christian Association of Baton Rouge

Member, Board of Directors (est. 1989 – 1996)

Secretary-Treasurer (est. 1992)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Until recently, the national YWCA limited full voting membership to women. The Junior League limits membership to women. Otherwise, to the best of my knowledge, none of the organizations listed in response to 11a above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

"Resource" Program Opposed, The Advocate, Feb. 16, 1996. Copy supplied.

The Final Stages of Trial and Entry of Judgment, in Louisiana Civil Litigation Series, published by American Inns of Court – Lawyers' Cooperative Publishing (1996). Copy supplied.

City Club: Vestige of Separation, The Advocate, July 6, 1994. Copy supplied.

Ford v. Wainwright: *Warning – Sanity on Death Row May be Hazardous to Your Health*, La. L. Rev., July 1987. Copy supplied.

2009 – 2011, I maintained a Twitter page to promote Frockz. Copy supplied.

April 28, 2010, Comment on a SimplyStated post. Copy supplied.

September 5, 2009, Comment on Yahoo post. Copy supplied.

Profile on BASK Designs web site available at <http://www.baskdesign.net/page6>.

Profile on Grace George web site available at <http://www.gracegeorge.com/Articles.asp?ID=1>.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

July 27, 2011: Moderator, "Best Practices Handling Worker's Compensation Claims," Southern Association of Workers' Compensation Administrators, Baton Rouge, Louisiana. I moderated a panel discussion among large self-insured employers regarding best practices for handling worker's compensation claims. I

have no notes, transcript or recording. The Southern Association of Workers' Compensation Administrators can be contacted through Gary Davis, P.O. Box 910373, Lexington, Kentucky 40591.

June 17, 2011: Speaker, Adjusting Casualty Claims in Louisiana, presented to Liberty International Underwriters, New York, New York. Presentation supplied.

March 2002: Speaker, Evidence Review, Continuing Legal Education, Baton Rouge, Louisiana. Outline supplied.

2002 (est.): Lecture, Risk Management, presented to Risk & Security Departments, Paragon Casinos Resort, Marksville, Louisiana. I provided an instructional lecture to security officers, first responders, and other employees regarding report writing and critical factual investigations of work place injuries and incidents involving casino employees and patrons. I have no notes, transcript or recording. The address of the Paragon Casino Resort is 711 Paragon Place, Marksville, Louisiana 71351.

2000: Speaker, Employment Law, National Business Institute Seminar, Baton Rouge, Louisiana. Outline supplied.

December 1999: Speaker, Young Women's Christian Association Annual Meeting, Baton Rouge, Louisiana. Remarks supplied.

December 1998: Lecture, The Management of Nonprofit Organizations, Southern University, School of Public Policy & Urban Affairs, Baton Rouge, Louisiana. I have no notes, transcript or materials. The address of Southern University is Leon G. Netterville Drive, J.S. Clark Administration Building, 1st Floor, Room 118, Baton Rouge, Louisiana 70813.

October 1998: Lecture, Legal Forms of Business, Baton Rouge Chamber of Commerce Southern Council of Retired Executives, Baton Rouge, Louisiana. Outline supplied.

March 1998: Speaker, Law Practice Management, Baton Rouge Bench Bar Conference, Continuing Legal Education, Baton Rouge, Louisiana. Outline supplied.

1996 (est.): Speaker, Jurisdiction of Native American Tribal Courts, The American Inns of Court of Alexandria and Pineville, Louisiana. I gave a lecture to members of the American Inns of Court regarding developments in Native American Law and Tribal Sovereign Immunity and Subject Matter Jurisdiction of Tribal Courts. I have no notes, transcript or recording. The Inn of Court does not have a physical address.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Jordan Blum, *BR Lawyer Tapped for U.S. Judgeship*, The Advocate, Apr. 25, 2012. Copy supplied.

Kiran Chawla, *President Obama Nominates BR Attorney as U.S. Dist. Judge*, WAFB 9 News, Apr. 25, 2012. Video and corresponding article available at <http://www.wafb.com/story/17760438/president-obama-nominates-br-attorney-as-us-dist-judge>.

Interview with Women's Fund of El Paso, Jan. 30, 2010. Copy supplied.

Jeff Schnaufer, *The Great Cover-Up*, Content That Works, Aug. 12, 2009 (reprinted in multiple outlets). Copy supplied.

Maria Cortés Gonzálcz, *Bright Idea: El Paso Duos' Lampshade Slipcovers Pop at Home Show*, El Paso Times, June 18, 2009. Copy supplied.

Lampshade Fashion with Slipcovers, HomeWorkshop.com, Apr. 2, 2009. Copy supplied.

Karen Martin, *Revamp Your Lamp*, The Advocate, Mar. 31, 2009. Copy supplied.

David A. Keep, *The Scout: The Fix*, Los Angeles Times, Mar. 7, 2009. Copy supplied.

Hali Bernstein Saylor, *Fun. Fabulous. Frockz*, Las Vegas Review-Journal, Mar. 5, 2009. Copy supplied.

Lauren Hannan, *Attorney Spotlight: Interview with Shelly Dick*, Around the Bar (Baton Rouge Bar Association), Sept. 2008. Copy supplied.

Rebecca Breeden, *A Bright Idea*, 225BatonRouge.com, Aug. 29, 2008. Copy supplied.

Mariana Greene, *Finds: A Bit of Lift for Your Lampshade*, Dallas Morning News, Aug. 1, 2008. Copy supplied.

Penny Brown Rogers, *Businessman: Justice Showed Favoritism*, The Advocate, Oct. 11, 2005. Copy supplied.

ULM Official Files Two New Suits over Truth at ULM Web Site, Associated Press, May 8, 2002 (reprinted in multiple outlets). Copy supplied.

Women's Balancing Act, Around the Bar (Baton Rouge Bar Association), Apr. 2001. Copy supplied.

Ted Griggs and Tom Guarisco, *Developer: Traffic Not Issue*, The Advocate, Mar. 2, 1996. Copy supplied.

Glenn P. Marcel, "Bar Spotlight: Getting to Know You," Around the Bar (Baton Rouge Bar Association), 1993. Copy supplied.

Melinda Shelton, *Volunteer Baton Rouge! Pairs People, Agencies*, The Advocate, Apr. 23, 1990. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I was appointed by the Louisiana Workforce Commission to serve as an *ad hoc* Administrative Hearing Officer in the following:

2011 – Present; *Ad Hoc* Hearing Officer presiding over disputes brought by Randolph Sheppard blind managers against the State Licensing Authority

2008 – Present; *Ad Hoc* Hearing Officer presiding over Health Care Provider litigation instituted in Louisiana Office of Worker's Compensation Administrative Courts

April 2010 – *Ad Hoc* Hearing Officer presiding over dispute of Filipino teachers against Universal Placement International

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over approximately 10 to 12 trials.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100%
civil proceedings:	100%
criminal proceedings:	0%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

Louisiana Federation of Teachers v. Universal Placement International, Louisiana Workforce Commission (Apr. 14, 2010), *aff'd*, *Louisiana Federation of*

Teachers v. Universal Placement International, No. 590, 409, 19th Judicial District Court, State of Louisiana, December 30, 2010.

Camardelle, et al. v. Louisiana Workforce Commission and Louisiana Rehabilitation Services, 335-061.004, Louisiana Workforce Commission (May 1, 2012).

Lake Charles Memorial Hospital v. Angelle Concrete Group, LLC and The Gray Insurance Company, No. 05-00367, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Oct. 6, 2009).

Lake Charles Memorial Hospital v. Hobby Lobby Stores, Inc., Suit No. 05-01208, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Oct. 7, 2009).

Lake Charles Memorial Hospital v. Haynes Pulpwood, Suit No. 05-01213, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Oct. 8, 2009).

Lake Charles Memorial Hospital v. Hobby Lobby Stores-Risk Management, Suit No. 05-01207, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Oct. 15, 2009).

Lake Charles Memorial Hospital v. Al Copeland Investments, Suit No. 05-01593, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Nov. 17, 2009).

Lake Charles Memorial Hospital v. Al Copeland Investments, Suit No. 05-01205, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Nov. 17, 2009).

Bernauer Clinic v. Diocese of Baton Rouge and Frank Gates Service Co., Suit No. 04-07636, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Oct. 19, 2009).

In Re: Shamieh v. Ace Property & Casualty Insurance Co., et al., Consolidated Action Nos. 05-01870, 05-01877, 05-01879, 05-01883, 05-019093, 05-019006, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Mar. 4, 2010).

Bernauer Clinic v. The Travelers and Louisiana Machinery Company, Suit No. 04-07640, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (May 20, 2010).

Lafayette General Medical Center v. Family Dollar Stores of Louisiana, Inc., Suit No. 08-21148, Louisiana Office of Worker's Compensation, District 4, Lafayette, Louisiana (June 1, 2010).

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

(1) *Louisiana Federation of Teachers v. Universal Placement International*, Louisiana Workforce Commission (Apr. 14, 2010), *aff'd*, *Louisiana Federation of Teachers v. Universal Placement, International*, No. 590, 409, 19th Judicial District Court, State of Louisiana, December 30, 2010. Opinion supplied.

The Secretary of the Louisiana Workforce Commission appointed me to serve as a hearing officer to hear evidence regarding the Complaint of the Louisiana Federation of Teachers and the American Federation of Teachers on behalf of certain Filipino teachers brought pursuant to the Louisiana Private Employment Service Law, La. R.S. 23:101 et seq. Plaintiffs alleged that Respondent Universal Placement International ("UPI") violated the Louisiana Private Employment Service Law which provides: "[n]o person, company, corporation, or partnership shall operate, solicit, or advertise an employment service in this state unless licensed by the assistant secretary." The teachers' unions alleged that because UPI was not a Louisiana licensed employment, the placement contracts between UPI and the individual teachers were void *ab initio*. The teachers sought an order compelling UPI to refund placement fees it collected from Filipino teachers. Plaintiffs also sought the imposition of statutory fines, penalties and attorneys' fees against UPI. After an evidentiary hearing, I ruled in favor of the plaintiffs, finding that UPI violated Louisiana Law, and ordered that the defendant refund placement fees paid by the teachers. My administrative determination was sustained by the Honorable Janice Clark, Judge, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana.

Plaintiffs were represented by Dan McNeil, American Federation of Teachers, Legal Department, 555 New Jersey Avenue, NW, Washington, DC 20001, 202-393-6305; Larry Samuel, Rittenberg, Samuel & Phillips, LLC, 715 Girod Street, Suite 100, New Orleans, LA 70130, 504-524-5555; and Jerold Edward Knoll, The Knoll Law Firm, Post Office Box 426, Marksville, LA 71351, 318-253-6200. Defendant was represented by Murphy Foster, Breazeale, Sachse & Wilson, LLP, One American Place, Suite 2300, 301 Main Street, Baton Rouge, LA 70821, 225-387-4000.

(2) *Camardelle, et al. v. Louisiana Workforce Commission and Louisiana Rehabilitation Services*, No. 335-061.004, Louisiana Workforce Commission (May 1, 2012). Opinion supplied.

I presided over claims brought by Randolph Sheppard licensed blind vendors and the Elected Committee of Blind Vendors against the Louisiana Workforce Commission and Louisiana Rehabilitation Services, Inc., the Randolph Sheppard's state licensing authority. Plaintiffs alleged that the state licensing agency violated the Randolph Sheppard Act (20 U.S.C. § 107) by failing to permit "active participation" by the Elected Committee of Blind Vendors in the selection and appointment of licensed managers to vending/cafeteria management vacancies. The case was tried on February 6 and 7, 2012. I concluded that the Elected Committee of Blind Vendors was given the opportunity to actively participate in the selection process for the subject vending vacancy. I found that as a matter of fact, the State Licensing Authority referred the eligible applicant for the subject vacancy to a selection sub-committee of Elected Committee of Blind Vendors for review and consideration on 2 occasions. The selection committee refused to participate in the process. Based on these facts, I concluded that the active participation required under the Act was provided but was refused by the Committee. Judgment was entered denying the grievance and in favor of the state licensing authority.

Plaintiffs were represented by Robert R. Humphreys, Attorney at Law, 1777 Ala Moana Boulevard, Suite 1204, Honolulu, HI 96815, 808-441-6824. Defendants were represented by Mary Ann M. White, Shows, Cali, Berthelot & Walsh, LLP, 628 Saint Louis Street, Baton Rouge, LA 70802, 225-346-1461.

(3) *In Re: Shamieh v. Ace Property & Casualty Insurance Co., et al.*, Consolidated Actions Nos. 05-01870, 05-01877, 05-01879, 05-01883, 05-019093, 05-019006, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Apr. 13, 2010). Opinion supplied.

I was engaged by the Office of Worker's Compensation to preside over suits filed by health care providers against employers and insurers seeking payment, penalties, and attorneys' fees for alleged underpayment for services rendered to injured workers. The plaintiff health care provider in these consolidated actions alleged that the defendant unlawfully took Preferred Provider Organization (PPO) discounts which the health care providers contend was in violation of Title 23 of Louisiana Revised Statutes. The health care providers maintained that the Louisiana Worker's Compensation medical reimbursement schedule was a minimum reimbursement schedule and that any further discounting pursuant to PPO contracts was unlawful. I found that the defendant failed to prove the existence of any PPO contract or other agreement whereby the plaintiff health care provider had agreed to accept reimbursement at a rate less than the billed rate or less than the published reimbursement fee schedule rate. I found that the defendant insurers had not reasonably controverted the plaintiff's claim for reimbursement and assessed a statutory penalty and attorneys' fees under La. R.S. 23:1210.

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by Mark L. Clark, Brown, Sims, PC, 650 Poydras Street, Suite 2200 New Orleans, LA 70130, 504-569-1007.

(4) *Lake Charles Memorial Hospital v. Hobby Lobby Stores, Inc.*, Suit No. 05-01208, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Nov. 16, 2009). Opinion supplied.

In these consolidated matters, the plaintiff health care provider alleged that it was not reimbursed for medical services rendered to injured workers in accordance with the medical fee schedule applicable in Worker's Compensation cases. La. R.S. 23:1034.2. The defendant employer asserted as a defense that medical payments were remitted pursuant to the payment terms of its PPO contract with the plaintiff medical providers.

I found that the defendant employer made a *prima facie* showing of a defense to the plaintiff's claim of underpayment by establishing the existence of a PPO contract between the employer and the plaintiff health care provider that provided for capitated reimbursement rates. I declined to interpret the PPO contract to determine whether reimbursement was made in accordance therewith, finding that the Office of Worker's Compensation court lacked jurisdiction to interpret and/or enforce the terms and conditions of PPO agreements. I concluded that any claims asserted by the plaintiff medical provider that the parties' performance under the agreements are in violation or conflict with the "Any Willing Provider Act," La. R.S. 40:2201 *et seq.*, were beyond the jurisdiction of the OWC. The plaintiff's claims for penalties and attorneys' fees were denied because the defendant reasonably controverted the claim for underpayment.

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by John V. Quaglino, Juge, Napolitano, Guilbeau, Ruli, Frieman & Whiteley, 3320 Esplanade Avenue North, Metairie, LA 70002, 504-831-7270.

(5) *Lake Charles Memorial Hospital v. Al Copeland Investments*, Suit No. 05-01593, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Nov. 17, 2009).

This was a suit by health care providers against an employer seeking compensation, penalties, and attorneys' fees for alleged underpayment for medical services rendered to injured workers. I found that the employer failed to make a *prima facie* showing of any contractual right or agreement to make reduced reimbursements for medical services rendered. Judgment was entered for the plaintiff.

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by Eric J. Waltner, Allen & Gooch, 2000 Kaliste Saloom Road, Suite 400, Lafayette, LA 70508, 337-291-1400.

(6) *Lake Charles Memorial Hospital v. Al Copeland Investments*, Suit No. 05-01205, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Nov. 17, 2009).

This was a suit by health care providers against an employer seeking compensation, penalties, and attorneys' fees for alleged underpayment for medical services rendered to injured workers. I found that the employer failed to make a *prima facie* showing of any contractual right or agreement to make reduced reimbursements for medical services rendered. Judgment was entered for the plaintiff.

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by Eric J. Waltner, Allen & Gooch, 2000 Kaliste Saloom Road, Suite 400, Lafayette, LA 70508, 337-291-1400.

(7) *Lake Charles Memorial Hospital v. Banks*, No. 05-01381, District 3, Office of Worker's Compensation, Lake Charles, Louisiana (May 20, 2009). Opinion supplied.

On summary judgment, I ruled that the Louisiana Worker's Compensation Court had subject matter jurisdiction over the health care provider's reimbursement claims for medical services provided to injured workers but lacked subject matter jurisdiction to interpret and/or enforce PPO provider agreements. I further ruled that a health care provider can agree, by contract or otherwise, to accept reimbursement for medical care services at a rate less than the reimbursement rate established by the Louisiana Medical Reimbursement Schedule. The Louisiana Supreme Court subsequently followed the same rationale in *Agilus Health v. Accor Lodging North America*, 52 So. 3d 68, 2010-0800 (La. Nov. 30, 2010). Since the Louisiana Supreme Court's ruling in *Agilus*, the parties have negotiated resolutions in the majority of the remaining PPO cases.

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by John V. Quaglino, Juge, Napolitano, Guilbeau, Ruli, Frieman & Whiteley, 3320 Esplanade Avenue North, Metairie, LA 70002, 504-831-7270.

(8) *Bernauer Clinic v. Diocese of Baton Rouge and Frank Gates Service Co.*, Suit No. 04-07636, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Dec. 7, 2009). Opinion supplied.

The plaintiff physician alleged that he was not reimbursed for medical services rendered to injured workers of the defendant Diocese in accordance with the medical fee schedule applicable in Worker's Compensation cases. La. R.S. 23:1034.2. The defendant employer asserted as a defense that medical payments were remitted pursuant to a PPO contract with the doctor. I held that the defendant failed to prove the existence of any agreement by the doctor to accept a capitated or reduced reimbursement from the defendant. Accordingly, judgment was entered in favor of the plaintiff and a statutory penalty and attorneys' fees were assessed.

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by Wayne Fontana, Fontana & Seelman, LLP, 1010 Common Street, Suite 2300, New Orleans, LA 70112, 504-680-0156.

(9) *Bernauer Clinic v. The Travelers and Louisiana Machinery Company*, Suit No. 04-07640, Louisiana Office of Worker's Compensation, District 3, Lake Charles, Louisiana (May 20, 2010). Opinion supplied.

The plaintiff physician alleged that he was not reimbursed for medical services rendered to injured workers of the defendant employer. The defendant insurer demonstrated that it had a PPO agreement with the plaintiff which provided for a specified negotiated reimbursement rate. Plaintiff maintained that the employer was not a party to the PPO contract and therefore the lower negotiated reimbursement could not be taken on behalf of the employer when the plaintiff doctor treated the employer's injured workers.

I rejected the plaintiff's claims, finding that the employer and its worker's compensation insurer were each obligated for the same debt, namely, to provide worker's compensation medical benefits to injured employees of the employer. Under Louisiana Civil Code article 1794, "an obligation is solidary for the obligors when each obligor is liable for the whole performance [and] performance by one solidary obligor extinguishes the obligation for the other." Furthermore, under the Worker's Compensation Act the employer's duty is to provide comp benefits to its injured employees. The employer is under no duty to act vis-a-vis the health care provider except to reimburse the provider according to the reimbursement schedule – unless the provider has agreed to accept reimbursement at a lower rate, as in this case. The employer's obligation to reimburse for medical services was satisfied when its insurer paid the doctor in accordance with its negotiated agreement with the doctor.

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by Jade C. McKeough, Blue Williams, 3421 North Causeway Boulevard, 9th Floor, Metairie, LA 70002, 504-831-4091.

(10) *Lafayette General Medical Center v. Family Dollar Stores of Louisiana, Inc.*, Suit No. 08-21148, Louisiana Office of Worker's Compensation, District 4, Lafayette, Louisiana (June 22, 2010). Opinion supplied.

Through an attenuated chain of contracts, the defendant employer contended that it was entitled to take a PPO discount and reimburse the plaintiff health care provider for less than its billed fee schedule charges for medical services provided to injured employees of the defendant. I found that the defendant failed to prove the existence of any agreement with the health care provider that permitted the employer to remit a capitated or reduced reimbursement. Accordingly, judgment was entered in favor of the plaintiff and a statutory penalty and attorneys' fees were assessed.

Plaintiff was represented by Lawrence C. Billeaud, 321 West Main Street, Suite 1-B, Lafayette, LA 70501, 337-266-2055. Defendant was represented by Jennifer Cortes Poirier, Truitt Law Firm, 251 Highway 21, Madisonville, LA 70447, 985-327-5266.

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

(1) *Louisiana Federation of Teachers v. Universal Placement, International*, Louisiana Workforce Commission (Apr. 14, 2010), *aff'd*, *Louisiana Federation of Teachers v. Universal Placement International*, No. 590, 409, 19th Judicial District Court, State of Louisiana, December 30, 2010. Opinion supplied in response to 13(c).

Plaintiffs were represented by Dan McNeil, American Federation of Teachers, Legal Department, 555 New Jersey Avenue, NW, Washington, DC 20001, 202-393-6305; Larry Samuel, Rittenberg, Samuel & Phillips, LLC, 715 Girod Street, Suite 100, New Orleans, LA 70130, 504-524-5555; and Jerold Edward Knoll, The Knoll Law Firm, Post Office Box 426, Marksville, LA 71351, 318-253-6200. Defendant was represented by Murphy Foster, Breazeale, Sachse & Wilson, LLP, One American Place, Suite 2300, 301 Main Street, Baton Rouge, LA 70821, 225-387-4000.

(2) *Camardelle, et al. v. Louisiana Workforce Commission and Louisiana Rehabilitation Services*, No. 335-061.004, Louisiana Workforce Commission (May 1, 2012). Opinion supplied in response to 13(c).

Plaintiffs were represented by Robert R. Humphreys, Attorney at Law, 1777 Ala Moana Boulevard, Suite 1204, Honolulu, HI 96815, 808-441-6824. Defendants were represented by Mary Ann M. White, Shows, Cali, Berthelot & Walsh, LLP, 628 Saint Louis Street, Baton Rouge, LA 70802, 225-346-1461.

(3) *In Re: Shamieh v. Ace Property & Casualty Insurance Co., et al.*, Consolidated Actions Nos. 05-01870, 05-01877, 05-01879, 05-01883, 05-019093, 05-019006, Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Apr. 13, 2010). Opinion supplied in response to 13(c).

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by Mark L. Clark, Brown, Sims, PC, 650 Poydras Street, Suite 2200, New Orleans, LA 70130, 504-569-1007.

(4) *Lake Charles Memorial Hospital v. Hobby Lobby Stores, Inc.*, Consolidated Suit No. 05-01207, 05-01208, and 05-01592 Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Nov. 16, 2009). Opinion supplied in response to 13(c).

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by John V. Quaglino, Juge, Napolitano, Guilbeau, Ruli, Frieman & Whiteley, 3320 Esplanade Avenue North, Metairie, LA 70002, 504-831-7270.

(5) *Lake Charles Memorial Hospital v. Superior Energy Services, Inc., et al.*, Suit No. 08-01602, Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Jan. 26, 2009). Opinion supplied.

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by Eric J. Waltner, Allen & Gooch, P.O. Box 3768, Lafayette, LA 70502, 337-291-1000.

(6) *Lafayette Bone and Joint Clinic v. Worknet 2000, Inc. et al.*, Suit No. 06-08525, Office of Worker's Compensation, District 4, Lafayette, Louisiana (Jan. 26, 2009). Opinion supplied.

Plaintiffs were represented by Lawrence C. Billeaud, 321 West Main Street, Suite 1-B, Lafayette, LA 70501, 337-266-2055. Defendants were represented by Eric J. Waltner, Allen & Gooch, P.O. Box 3768, Lafayette, LA 70502, 337-291-1000.

(7) *Lake Charles Memorial Hospital v. Banks*, No. 05-01381, Office of Worker's Compensation, District 3, Lake Charles, Louisiana (May 20, 2009). Opinion supplied in response to 13(c).

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by John V. Quaglino, Juge, Napolitano, Guilbeau, Ruli, Frieman & Whiteley, 3320 Esplanade Avenue North, Metairie, LA 70002, 504-831-7270.

(8) *Bernauer Clinic v. Diocese of Baton Rouge and Frank Gates Service Co.*, Suit No. 04-07636, Office of Worker's Compensation, District 3, Lake Charles, Louisiana (Dec. 7, 2009). Opinion supplied in response to 13(c).

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by Wayne Fontana, Fontana & Seelman, LLP, 1010 Common Street, Suite 2300, New Orleans, LA 70112, 504-680-0156.

(9) *Bernauer Clinic v. The Travelers and Louisiana Machinery Company*, Suit No. 04-07640, Office of Worker's Compensation, District 3, Lake Charles, Louisiana (May 20, 2010). Opinion supplied in response to 13(c).

Plaintiffs were represented by Thomas A. Filo, Cox, Cox, Filo & Camel, 723 Broad Street, Lake Charles, LA 70607, 337-436-6611. Defendants were represented by Jade C. Mckeough, Blue Williams, 3421 North Causeway Boulevard, 9th Floor, Metairie, LA 70002, 504-831-4091.

(10) *Lafayette General Medical Center v. Family Dollar Stores of Louisiana, Inc.*, Suit No. 08-21148, Office of Worker's Compensation, District 4, Lafayette, Louisiana (June 22, 2010). Opinion supplied in response to 13(c).

Plaintiff was represented by Lawrence C. Billeaud, 321 West Main Street, Suite 1-B, Lafayette, LA 70501, 337-266-2055. Defendant was represented by Jennifer Cortes Poirier, Truitt Law Firm, 251 Highway 21, Madisonville, LA 70447, 985-327-5266.

- e. Provide a list of all cases in which certiorari was requested or granted.

None.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

All opinions rendered are unpublished.

Workforce Commission Administrative Opinions and Rulings are maintained by The Louisiana Workforce Commission, 1001 North 23rd Street, Baton Rouge, LA 70802.

Worker's Compensation Court Opinions and Rulings are maintained by The Office of Workers' Compensation, District 3, 4250 Fifth Avenue, Suite 3, Lake Charles, LA 70607, and The Office of Workers' Compensation, District 4, 556 Jefferson Street, First Floor, Lafayette, LA 70501.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

None.

14. **Recusal**: If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

In all matters in which I have served as an Administrative Hearing Officer, I have provided full disclosure to the litigants of the nature of my law practice, the areas of law in which I practice and a description of the types of clients I represent. Following disclosure, the parties are provided a specified period of time to file a Motion to Recuse. To date, I have never been the subject of a recusal motion.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Volunteer, Contributor and Agent for Service of Process, Campaign to Elect Catherine "Kitty" Kimball, Justice, Louisiana Supreme Court (1992 and 2002).

Host, Meet the Candidate, Congressman Bill Cassidy, Baton Rouge, Louisiana (2008).

Host, Meet the Candidate, Trey Ourso, candidate for Louisiana House of Representatives, Baton Rouge, Louisiana (est. 1993).

Sponsor, Tunica-Biloxi Indians TRIPAC annual golf tournament, Marksville, Louisiana (1998 – Present).

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1986 to 1987, I served as a law clerk to the Honorable Judge Catherine "Kitty" Kimball, 18th Judicial District Court of Louisiana.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1987 – 1988

Kean Miller, LLP
400 Convention Street, Suite 700
Baton Rouge, Louisiana 70802
Law Clerk

1988 – 1994

Gary Field Landry and Dornier
8555 United Plaza Boulevard
Baton Rouge, Louisiana 70809
Law Clerk (1988)
Associate Attorney (1988 – 1994)

1994 – Present

Law Offices of Shelly D. Dick, LLC
d/b/a Forrester, Dick & Clark (f/k/a Forrester & Dick; Forrester, Jordan & Dick)
4981 Bluebonnet Boulevard
Baton Rouge, Louisiana 70809
Partner

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

For the past 24 years, I have practiced principally civil litigation. I began practicing as an associate in the area of business and commercial litigation. Upon going into practice with two partners in 1994, I began doing more casualty defense litigation and began practicing in the area of worker's compensation defense and employment law, primarily representing employers. In 1995, I began representing the Tunica-Biloxi Indians, doing business as Paragon Casino Resort in all litigated matters, including casualty, worker's compensation, employment law, and business and construction litigation. In connection with my representation of the Tunica-Biloxi Indians, I became knowledgeable of and litigated issues

involving tribal sovereign immunity and the Indian Gaming Regulatory Act. In approximately 1999, my practice expanded to include representation of short line, passenger and Class I railroads, defending crossing claims, Federal Employers' Liability Act claims, and passenger claims. In 1996, I began representing various state agencies in various types of litigation including casualty and employment law. In 2008, I was asked to serve as an Administrative Law Judge by the Louisiana Workforce Commission in worker's compensation cases and other various cases and matters.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

I have principally practiced in civil defense litigation since 1988. Since 1994, I have represented the insureds of various national insurance carriers in general casualty litigation and employer liability litigation. In 1996, I began representing state agencies in various litigation, including employment law. In the late 1990's, my practice also expanded to include railroad litigation, including passenger rail cases, railroad crossing cases and FELA cases. In 2008, I commenced presiding over administrative hearings for the Louisiana Workforce Commission and worker's compensation disputed claims by health care providers. In the course of my practice I have also represented plaintiffs in employment discrimination cases and personal injury cases.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Virtually 100% of my practice has been litigation. With the exception of one criminal jury trial, in which I was appointed by Judge Polozola, United States District Court Middle District of Louisiana, to represent a defendant, I have practiced almost exclusively in civil litigation since 1988. I have appeared in various state and federal courts and administrative tribunals frequently.

- i. Indicate the percentage of your practice in:

1. federal courts:	50%
2. state courts of record:	20%
3. other courts:	15%
4. administrative agencies:	15%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	99.5%
2. criminal proceedings:	0.5%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

To the best of my recollection, I have handled 10 jury trials in which I was chief counsel, one jury trial in which I was associate counsel, more than 20 bench trials in which I was chief or co-counsel, and more than 10 bench trials before administrative agencies in which I was chief or co-counsel.

- i. What percentage of these trials were:
- | | |
|--------------|-----|
| 1. jury: | 27% |
| 2. non-jury: | 73% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

(1) *Grace, et al. v. Morgan, et al.*, 805 F. Supp. 390 (M.D. La. 1993), *aff'd*, 8 F.3d 23 (5th Cir. 1994), *cert. denied*, No. 93-1220, 510 U.S. 1195 (1994). After we obtained a jury verdict in favor of the plaintiffs in this civil rights suit, the District Judge granted defendants a new trial and then entered summary judgment in favor of the defendants. The Fifth Circuit affirmed. I assisted in preparing a Petition for Writ of Certiorari to the United State Supreme Court seeking review of the lower court's vacating of the jury verdict, which was denied. Copy supplied.

(2) *Thinkstream, Inc., et al. v. Adams, et al.*, No. 5-844-D-M2 (M.D. La. 2006), *aff'd*, 251 Fed. Appx. 282 (5th Cir. 2007); *petition for cert. dismissed*, No. 07-1000, 553 U.S. 1050 (2008). In this civil rights case, the District Court granted 12(b)(6) dismissal of the plaintiff's 42 U.S.C. § 1983 claims against the State officials I represented, and the Fifth Circuit affirmed. The plaintiffs filed a Petition for Writ of Certiorari, which we opposed. The petition was subsequently voluntarily dismissed. Copy supplied.

(3) *O'Dwyer v. Nelson*, Civ. No. 06-7280 (E.D. La. 2007), *rev'd*, 310 Fed. Appx. 741 (5th Cir. 2009), *cert. denied*, No. 09-5714, 130 S. Ct. 494 (2009). Plaintiff filed a § 1983 civil rights action against my client and other state officials. The District Court denied a motion to dismiss urged on the grounds of qualified immunity. The Fifth Circuit reversed, and the plaintiff filed a Petition for Writ of Certiorari. I filed an opposition, and the petition was denied. Copy supplied.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe

in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

(1) *Grace, et al. v. Morgan, et al.*, 805 F. Supp. 390 (M.D. La. 1993), *aff'd*, 8 F.3d 23 (5th Cir. 1994), *cert. denied*, No. 93-1220, 510 U.S. 1195 (1994); Honorable John V. Parker; 1990 – 1994.

I was co-counsel for the plaintiffs in a civil rights suit filed in the United States District Court for the Middle District of Louisiana. The plaintiffs were professors at North Eastern Louisiana University who brought suit under 42 U.S.C. § 1983 for violations of their First and Fourteenth Amendment rights to freedom of speech and petition. Plaintiffs, a University professor and instructor, initially filed suit in state court challenging the University's process for handling grievances. Upon conclusion of their state court suit, plaintiff Grace's instructor contract was not renewed and Professor Potts was constructively demoted by virtue of his teaching assignments. In this federal civil rights law suit, plaintiffs alleged that the University was retaliating against them for exercising their First Amendment right to petition and to speak on matters of public concern. A jury verdict was returned in favor of the plaintiffs. Subsequently, the Court granted a new trial and then granted summary judgment in favor of the defendants. 805 F. Supp. 390 (M.D. La. 1993), which was affirmed by the Fifth Circuit, 8 F.3d 23 (5th Cir. 1994). The United States Supreme Court denied writs. 510 U.S. 1195 (1994).

Co-Counsel:

J. Rodney Ryan, Jr.
Gary, Hicks, Field, Landry and Bradford
8555 United Plaza Boulevard, Fifth Floor
Baton Rouge, LA 70809
504-231-2000

Opposing Counsel:

Winston G. Decuir, Sr.
DeCuir, Clark & Adams, LLP
732 North Boulevard
Baton Rouge, LA 70802
225-346-8716

Ben R. Hanchey
2304 Point Drive
Monroe, LA 71201
318-388-0841

Wendell G. Lindsay, Jr.
Lindsay and Marcel
9431 Common Street
Baton Rouge, LA 70809
225-924-5150

(2) *Tunica-Biloxi Indians of Louisiana d/b/a Paragon Casino Resorts v. Pecot, et al.*, Suit No. 2002-0116, Tunica-Biloxi Tribal Court, Marksville, Louisiana, May 3, 2006; Honorable William Bennett; 2002 – 2006.

I represented the plaintiff, Tunica-Biloxi Indians of Louisiana, doing business as Paragon Casino Resort, in multiple suits brought against 18 contractors, subcontractors, material suppliers and designers in connection with design, construction and material defects related to the construction of a four-story hotel on the premises of Paragon Casino Resort, which was owned by the Tunica-Biloxi Indians and located on tribal trust lands. The design, material and construction deficiencies resulted in hazardous mold contamination, which in turn resulted in numerous personal injury and employee exposure claims that I also defended. The matter was litigated in multiple jurisdictions due to issues raised contesting the subject matter jurisdiction of the Tunica-Biloxi Tribal Court. Ultimately, the subject matter jurisdiction of the Tribal Court was affirmed and all claims against all defendants were settled for total damages exceeding \$8 million.

Co-Counsel:
Amanda G. Clark
Forrester, Jordan & Dick
7809 Jefferson Highway, Suite G
Baton Rouge, LA 70809
225-928-5400

Opposing Counsel:

Richard D. Chappuis, Jr.
Simone C. Dupré
Voorhies & Labbe
Post Office Box 3527
Lafayette, LA 70502
337-232-9700
Attorneys for Pecot, d/b/a Pecot and Co. Architects Design Professional Ins. Co.

Patrick J. Hanna
Suite 210, 701 Robley Drive

Lafayette, LA 70503
337-981-0309
Attorneys for Tunica-Biloxi Construction Company and its insurer

Bonita Preuitt Armour
Reichman and Armour
728 Jackson Street
Alexandria, LA 71309
318-442-6611
Attorneys for G. W. Morreau

DeWitt T. Methvin, Jr.
Gist, Methvin
Post Office Box 1871
Alexandria, LA 71309
318-448-1632
Attorneys for State Farm

Larry Stewart
Stafford, Stewart & Potter
3112 Jackson Street
Alexandria, LA 71309
318-487-4910
Attorneys for F.L. Crane & Sons

Richard Petre
Onebane Law Firm
1200 Camellia Boulevard, Suite 300
Lafayette, LA 70508
337-237-2660
Attorneys for Security Insurance Company of Hartford and Gunn Electric Company, Inc.

Charles A. Schutte, Jr.
Guglielmo, Marks, Schutte, Terhoeve & Love
320 Somerulos Street
Baton Rouge, LA 70821
225-387-6966
Attorneys for Signlite, Inc.

S. Aaron Siebeneicher
Johnson & Siebeneicher
Post Office Box 648
Alexandria, LA 71309
318-484-3911
Attorneys for Western World Insurance Company and JES, Inc.

R. Todd Musgrave
McCloskey Langenstein & Stoller, LLP
1250 Poydras Street, Suite 400
New Orleans, LA 70113
504-568-1750
Attorneys for Western World Insurance Company and JES, Inc.

George D. Ernest
Hurlburt, Monroe, Dartez & Ernest
700 Saint John Street, Suite 200
Lafayette, LA 70501
337-237-0261
Attorneys for Berg, Inc.

Rodney M. Rabalais
122 East Mark Street
Marksville, LA 71351
318-253-4622
Attorneys for Tunica-Biloxi Construction Co.

Jack Walsh
Gallop, Johnson & Neuman, L.C.
101 South Hanley, Suite 1600
Saint Louis, MO 63105
314-615-6290
Attorneys for Sellers & Josephson, Inc.

Scott C. Barney
Chaffe, McCall, Phillips, Toler & Sarpy, LLP
202 Two United Plaza
8650 United Plaza Boulevard
Baton Rouge, LA 70809
225-922-4300
Attorneys for Senenergy, Inc.

John P. Doggett
Provosty, Sadler, DeLaunay, Fiorenza & Sobel
Post Office Drawer 1791
Alexandria, LA 71309
318-445-3631
Attorneys for Dixie Roofing, Sheet Metal Company, Inc., Century Insurance Group, and
Colony Insurance Company

Claire E. Breaux
Duplass, Zwain, Bourgeois & Morton
Three Lakeway Center, Suite 2900

3838 North Causeway Boulevard
Metairie, LA 70002
504-832-3700
Attorneys for The Trane Company

Lottie Bash
Gold, Weems, Bruser, Sues & Rundell
2001 MacArthur Drive
Post Office Box 6118
Alexandria, LA 71307
318-445-6471
Attorneys for Gremillion Corrugated, LLC

(3) *LaBorde, et al. v. The Tunica-Biloxi Indians d/b/a Paragon Casino Resort*, Civil Action No. 2002-3740-B, consolidated with *Augustine, et al. v. New Horizons Kids Quest, IV*, Civil Action No. 2002-3996-A, *Augustine, et al. v. New Horizons Kids Quest, IV*, Civil Action No. 2002-3997-A, and *Blalock, et al. v. New Horizons Kids Quest, IV*, Civil Action No. 2002-3998-A, 12th Judicial District Court, Parish of Avoyelles, State of Louisiana. *On appeal, LaBorde v. Pecot*, 942 So. 2d 699 (La. App. 3 Cir. 11/2/06), writ granted and *aff'd*, 925 So. 2d 522 (La. 2006). *See also Bonnette v. Tunica-Biloxi Indians d/b/a Paragon Casino Resort*, 873 So. 2d 1 (La. App. 3 Cir. 2003) (related matter). Honorable William Bennett; 2002 – 2006.

I represented the defendants in multiple consolidated and related actions brought by numerous plaintiffs alleging personal injury liability of the Tunica-Biloxi Indians d/b/a Paragon Casino Resorts for toxic mold exposure arising from construction defects on the premises of Paragon Casino Resorts. Plaintiffs brought suit against the Tunica-Biloxi Indians, a federally recognized sovereign Native American nation, in Louisiana State Court. On behalf of the Tribe, we prevailed on an exception of subject matter jurisdiction based on sovereign immunity. Subsequently, plaintiffs sought to maintain a direct action against the Tribe's insurers in state court. The direct action against the insurers was opposed on the grounds that it was a collateral attack on tribal sovereign immunity. The insurers' liability, if any, was solely derivative and dependent upon acts and/or omissions allegedly committed by agents and/or employees of the Tribe. Tribal sovereign immunity was affirmed by the Louisiana Third Circuit Court of Appeal and the direct action against the insurers was dismissed by the Louisiana Third Circuit Court of Appeal and affirmed by the Louisiana Supreme Court. After resolving the jurisdictional issues, the plaintiffs' claims were settled.

Co-Counsel:
Amanda G. Clark
Forrester, Jordan & Dick
7809 Jefferson Highway, Suite G
Baton Rouge, LA 70809
225-928-5400

Opposing Counsel:

Raymond L. Brown, Jr.
Lottie L. Bash
Gold, Weems, Bruser, Sues & Rundell, APLC
2001 MacArthur Drive
Alexandria, LA 71307
318-445-6471
Attorneys for Gremillion Corrugated, LLC

Steven Claude Judice
Chad Sullivan
Keogh, Cox & Wilson, Ltd.
701 Main Street
Baton Rouge, LA 70802
225-383-3796
Attorneys for Larry Stockwell Heating & Air Conditioning and Federated Mutual Insurance Company

David J. Schexnaydre
Wade Dillard Rankin
Edward J. Lassus, Jr.
Mary E. Lord
Pajares & Schexnaydre, LLC
68031 Capital Trace Row
Mandeville, LA 70471
985-231-1791
Attorneys for Fulcrum Insurance Company

Ralph R. Alexis, III
Harry E. Forst
Christopher T. Grace, III
Porteous, Hainkel & Johnson, LLP
704 Carondelet Street
New Orleans, LA 70130
504-581-3838
Attorneys for Coastal Air Balance, Inc.

William B. Baggett
Wells T. Watson
Baggett, McCall, Burgess, Watson & Gaughan
3006 Country Club Road
Lake Charles, LA 70605
337-478-8888
Attorneys for Plaintiffs

Eugene A. Ledet, Jr.
Rivers, Beck, Dalrymple & Ledet
5208 Jackson Street Extension, Suite A
Alexandria, LA 71315
318-445-6581
Attorneys for Plaintiffs

Triston Kane Knoll
Jerold Edward Knoll Jr.
The Knoll Law Firm
233 South Main Street
Marksville, LA 71351
318-253-6200
Attorneys for Plaintiffs

Terrence L. Brennan
Keith J. Bergeron
Deutsch, Kerrigan & Stiles, LLP
755 Magazine Street
New Orleans, LA 70130
504-581-5141
Attorneys for Atrium Vinyl Products

Richard D. Chappuis, Jr.
Kristen Broussard Menard
Voorhies & Labbé
700 Saint John Street
Lafayette, LA 70501
337-232-9700
Attorneys for Pecot, d/b/a Pecot & Co. Architects Design Professional Ins. Co.

Dominic Joseph Gianna
Michael Otis Waguespack
Alan Dean Weinberger
Middleberg, Riddle, & Gianna
201 Saint Charles Avenue, Suite 3100
New Orleans, LA 70170
504-525-7200
Attorneys for The Trane Company

Lawrence J. Duplass
Claire A. Breaux
Andrew D. Weinstock
Duplass, Zwain, Bourgeois & Morton, APLC
3838 North Causeway Boulevard
Metairie, LA 70002

504-832-3700
Attorneys for The Trane Company

Whitney A. Klein
Christopher Carton
McCarter & English
100 Mullberry Street
Newark, NJ 07102
973-622-4444
Attorneys for The Trane Company

Gary M. Zwain
Kevin R. Derham
Duplass, Zwain, Bourgeois & Morton, APLC
3838 North Causeway Boulevard
Metairie, LA 70002
504-832-3700
Attorneys for Jefferson Sprinkler Company, Inc.

Jerry J. Falgoust
Dauzat, Falgoust, Caviness and Bienvenu
505 South Court Street
Opelousas, LA 70570
337-942-5811
Attorneys for D.W. Fire Stopping, Inc.

Ronald J. Fiorenza
Provosty, Sadler, deLaunay, Fiorenza & Sobel, APC
934 Third Street, Suite 800
Alexandria, LA 71309
318-445-3631
Attorneys for Alvarez Donnoway-Passons, Inc.

John P. Doggett
Zebulon M. Winstead
Provosty, Sadler, deLaunay, Fiorenza & Sobel, APC
Capital One Bank Building
934 Third Street, Suite 800
Alexandria, LA 71309
318-445-3631
Attorneys for Dixie Roofing and Sheet Metal Company, Inc., Century Insurance Group,
and Colony Insurance Company

R. Joshua Koch, Jr.
Spyridon, Koch, Palermo & Dorman, LLC
Three Lakeway Center, Suite 3010

3838 North Causeway Boulevard
Metairie, LA 70002
504-830-7800
Attorneys for Tunica-Biloxi Indians, Paragon Casino Resort

Milton O'Neal Walsh
Walsh & Bailey
501 Louisiana Avenue
Baton Rouge, LA 70802
225-383-8649
Attorneys for Security Insurance Company of Hartford

William L. Melancon
Dawn M. Fuqua
Joseph T. Puhekker
Melancon & Associates, LLC
900 South College Road, Suite 300
Lafayette, LA 70503
337-233-8600
Attorneys for Security Insurance Co. of Hartford and M & E Consulting, Inc.

Leigh Haynie
Joseph Joy & Associates
900 South College Road, Suite 204
Lafayette, LA 70503
337-232-8123
Attorneys for M & E Consulting, Inc. and Security Insurance Company of Hartford

Gary Paul Kraus
Richard Joseph Petre, Jr.
Onebane Law Firm
1200 Camellia Boulevard, Suite 300
Lafayette, LA 70508
337-237-2660
Attorneys for Security Insurance Company of Hartford and Gunn Electric Company, Inc.

Michael P. Maraist
Onebane Law Firm
1200 Camellia Boulevard, Suite 300
Lafayette, LA 70508
337-237-2660
Attorney for Gunn Electric Company, Inc.

Thomas Edward Loehn
Charles K. Chauvin
Boggs, Loehn & Rodrigue

3616 South I-10 Service Road West, Suite 109
Metairie, LA 70006
504-828-1202
Attorneys for Design Tex Group

DeWitt T. Methvin, Jr. (deceased)
4615 Parliament Drive, Suite 101
Alexandria, LA 71303
318-448-1632
Attorney for State Farm Insurance Company

Larry A. Stewart
Stafford, Stewart & Potter
3112 Jackson Street
Alexandria, LA 71301
318-487-4910
Attorneys for Liberty Mutual Insurance Co. and F.L. Crane & Sons, Inc.

Charmagne A. Padua
Jay M. Lonero
Larzelere Picou Wells Simpson Lonero, LLC
3850 North Causeway Boulevard, Suite 1100
Metairie, LA 70002
504-834-6500
Attorneys for TIG Insurance Company

Rodney M. Rabalais
Rabalais & Roy
Post Office Box 447
Marksville, LA 71351
318-253-4622
Attorneys for Tunica-Biloxi Construction Co.

Patrick J. Hanna
Rabalais, Hanna & Hebert
701 Robley Drive, Suite 210
Lafayette, LA 70503
337-981-0309
Attorneys for Tunica-Biloxi Construction Co.

Charles A. Schutte, Jr.
Guglielmo, Marks, Schutte, Terhoeve & Love
320 Somerulos Street
Baton Rouge, LA 70802
225-387-6966
Attorneys for Signlite, Inc.

Robert A. Vosbein
Adams and Reese, LLP
701 Poydras Street, Suite 4500
New Orleans, LA 70139
504-581-3234
Attorneys for Continental Casualty Company

John B. Davis
Adams and Reese, LLP
450 Laurel Street, Suite 1900
Baton Rouge, LA 70801
225- 336-5200
Attorneys for Continental Casualty Company

David A. Hurlburt
George D. Ernest, III
Hurlburt, Privat & Monroe, APLC
700 Saint John Street, Suite 200
Lafayette, LA 70501
337-237-0261
Attorneys for Berg, Inc.

Lourdes Esteve Martinez
Lugenbuhl, Wheaton, Peck,
Rankin & Hubbard, ALC
601 Poydras Street, Suite 2775
New Orleans, LA 70130
504-568-1990
Attorneys for Travelers Indemnity Company

James H. Gibson
Allen & Gooch
2000 Kaliste Saloom Road
Lafayette, LA 70508
337-291-1000
Attorneys for New Horizon Kids Quest, Inc.

Matthew J. Ungarino
Ungarino & Eckert, LLC
Ray F. Lucas, III
3850 North Causeway Boulevard, Suite 1280
Metairie, LA 70002
504-836-7565
Attorneys for Specialty Surplus Insurance Company

David I. Bordelon
Ungarino & Eckert, LLC
3909 Plaza Tower Drive
Baton Rouge, LA 70816
225-292-2000
Attorneys for Specialty Surplus Insurance Company

David K. Nelson
George T. Hawthorne
Jeffrey N. Boudreaux
Kean, Miller, Hawthorne, D'Armond, McCowan & Jarman, LLP
400 Convention Street, Suite 700
Baton Rouge, LA 70821
225-387-0999
Attorneys for Custom Metal and Siding and Dwayne Whatley

Roy M. Mosley
CNA Environmental & Mass Tort
3 Embarcadero Center, 12th Floor
San Francisco, CA 94111
415-440-3102
Attorneys for CNA Insurance Company

Richard G. Duplantier, Jr.
Stephen J. Moore
Galloway, Johnson, Tompkins, Burr & Smith
701 Poydras Street, Suite 4040
New Orleans, LA 70139
504-525-6802
Attorneys for CNA Insurance Company and McElroy Metal, Inc.

D. Patrick Daniel, Jr.
Post Office Drawer 80827
Lafayette, LA 70598
337-232-3333
Attorneys for McElroy Metal, Inc.

Mark R. Pharr, III
Galloway, Johnson, Tompkins, Burr & Smith
4021 Ambassador Caffery, Suite 175
Lafayette, LA 70503
337-735-1760
Attorneys for McElroy Metal, Inc.

David P. Salley
Glen E. Mercer

Salley, Hite, Rivera & Mercer
365 Canal Street, Suite 1710
New Orleans, LA 70130
504-566-8800
Attorneys for Zurich American Insurance Company

Christopher S. Hardy
Penny & Hardy, APLC
Post Office Box 2187
Lafayette, LA 70502
337-231-1955
Attorneys for Republic Vanguard Insurance Company

Keith C. Armstrong
Scott C. Barney
Chaffe McCall, LLP
8550 United Plaza Boulevard, Suite 202
Baton Rouge, LA 70809
225-992-4300
Attorneys for Senergy, Inc.

Bonita K. Preuett-Armour
Armour Law Firm, LLC
Post Office Box 710
Alexandria, LA 71309
318-442-6611
Attorneys for G.W. Moreau Metal Buildings, Glen Moreau, and State Farm Insurance Company

Richard T. Musgrave
Musgrave, McLachlan & Penn, LLC
1515 Poydras Street, Suite 2380
New Orleans, LA 70112
504-799-4300
Attorneys for Western World Insurance Company and JES, Inc.

S. Aaron Siebeneicher
Johnson & Siebeneicher
Post Office Box 648
Alexandria, LA 71309
318-484-3911
Attorneys for Western World Insurance Company and JES, Inc.

Michael D. Rubenstein
Kenneth T. Wallace
Liskow & Lewis, APLC

701 Poydras Street, Suite 5000
New Orleans, LA 70139
504-581-7979
Attorneys for Sellers & Josephson, Inc.

John T. Walsh
Lathrop & Gage, L.C.
10 South Broadway, Suite 1300
St. Louis, MO 63102
504-581-7979
Attorneys for Sellers & Josephson, Inc.

(4) *Thinkstream, Inc., et al. v. Adams, et al.*, No. 5-844-D-M2, 2006 U.S. Dist. LEXIS 66636 (M.D. La. Aug. 28, 2006); *aff'd*, 251 Fed. Appx. 282 (5th Cir. 2007); *petition for cert. dismissed*, 553 U.S. 1050 (2008); Honorable James J. Brady; 2005 – 2008.

I represented Louisiana Supreme Court Justice Catherine Kimball and Louisiana Supreme Court employee Andrieu in a suit brought by plaintiffs who alleged unconstitutional denial of liberty without due process and reputational injury pursuant to 42 U.S.C. § 1983. Plaintiffs' claims arose from their failure to procure a lucrative state contract placed for bid by a state commission charged with facilitating the development of the Integrated Criminal Justice Information System. Our motion to dismiss for failure to state a claim was granted, and the dismissal was affirmed on appeal by the Fifth Circuit.

Co-Counsel:
Amanda G. Clark
Forrester & Dick
4981 Bluebonnet Boulevard
Baton Rouge, LA 70809
225-928-5400

Opposing Counsel:

Brent Burley (deceased)
The Burley Law Firm
43480 Weber City Road
Gonzales, LA 70737
225-647-3050
Attorney for Bellue

Richmond C. Odom
519 Europe Street
Baton Rouge, LA 70802
225-214-3421
Attorney for Thinkstream, Inc.

Ralph R. Alexis, III
Porteous, Hainkel and Johnson
704 Carondelet Street
New Orleans, LA 70130
504-581-3838
Attorney for Louisiana Commission on Law Enforcement

Michael H. Rubin
Emily B. Grey
McGlinchey Stafford PLLC
One American Place
301 Main Street, 14th Floor
Baton Rouge, LA 70825
225-382-3617
Attorneys for Archer and Templar

David Glenn Sanders
Patricia Hill Wilton
Louisiana Department of Justice
Post Office Box 94005
Baton Rouge, LA 70804
225-326-6300
Attorneys for Plattsmier and Office of Disciplinary Counsel

(5) *O'Dwyer v. Nelson*, Civ. No. 06-7280, 2007 U.S. Dist. LEXIS 65360 (E.D. La. Aug. 31, 2007), *rev'd*, 310 Fed. Appx. 741 (5th Cir. 2009), *cert. denied*, 130 S. Ct. 494 (2009) (No. 09-5714); Honorable Ginger Berigan; 2007 – 2009.

I represented Louisiana Supreme Court Justice Catherine Kimball, who along with numerous other State defendants was sued by plaintiff alleging constitutional torts under 42 U.S.C. §§ 1983, 1985, and 1986. Plaintiff's claims arose from his arrest and incarceration for public intoxication, which occurred during a time of civil unrest experienced by the City of New Orleans following Hurricane Katrina. On behalf of Justice Kimball we filed a motion to dismiss the § 1983 claim on the grounds of qualified immunity, which was denied by the District Court. The Fifth Circuit reversed, dismissing the plaintiff's § 1983 claims on the grounds of qualified immunity. The United States Supreme Court denied the plaintiff's petition for certiorari.

Co-Counsel:
Amanda G. Clark
Amy E. Newsom
Forrester & Dick
4981 Bluebonnet Boulevard
Baton Rouge, LA 70809
225-928-5400

David Sanders
Patricia H. Wilton
Louisiana Department of Justice
1885 North Third Street
Baton Rouge, LA 70804-9005
225-326-6300
Attorneys for Louisiana Commission on Law Enforcement

Michael C. Keller
Office of the Attorney General
601 Poydras Street, Suite 1725
Pan American Life Center
New Orleans, LA 70130
504-599-1200
Attorney for Louisiana State Troopers

Opposing Counsel:

Ashton R. O'Dwyer, Jr.
821 Baronne Street
New Orleans, LA 70113
504-679-6166
Pro se

Joseph W.P. Hecker
732 Castle Kirk Drive
Baton Rouge, Louisiana 70808
225- 937-2100
Attorney for O'Dwyer

(6) *Courville v. NFI, et al.*, Civil No. 09-0136 (M.D. La.); Honorable Jay Zainey; 2008 -- Present.

I represent the plaintiff Courville and his wife and son. Mr. Courville was seriously and permanently injured when the car he was driving was struck head on by an 18-wheeler owned and operated by defendant National Freight, Inc. ("NFI"). At the time of the collision, the NFI truck was being operated by an NFI employee who was mentally and physically incapacitated by an overdose of injectable insulin. Federal motor carrier safety law disqualifies insulin dependent drivers from operating commercial motor vehicles interstate. On behalf of the plaintiffs, we contended that at the time of the collision the NFI driver was "intoxicated" by reason of insulin overdose, entitling plaintiffs to recover compensatory and punitive damages. District Judge Jay C. Zainey ruled that the question of the defendant driver's intoxication and resulting punitive damages under Louisiana Civil Code Article 2315.4 is a matter for the jury. The case was tried to a jury on April 16 -20, 2012. The jury returned a verdict in favor of the plaintiffs.

Co-Counsel:

Amy E. Newsom
Forrester, Dick & Clark
4981 Bluebonnet Boulevard
Baton Rouge, LA 70809
225-928-5400

Opposing Counsel:

Louis P. Bonnaffons
Alex P. Tilling
Leake & Andersson, LLP
1100 Poydras Street, Suite 1700
New Orleans, LA 70163
504-585-7500
Attorneys for National Freight, Inc.

Ralph H. Wall
Adams and Reese
One Shell Square
701 Poydras Street, Suite 4500
New Orleans, LA 70139
504-585-0439
Attorney for Boss

(7) *St. Rita's Litigation*, 34th Judicial District, Parish of St. Bernard, State of Louisiana;
Honorable Judge Frank F. Foil; 2006 – 2010.

I represented Kathleen Blanco, Governor of the State of Louisiana, in her official capacity in defense of third party claims filed in 32 lawsuits brought by the defendant owners of the St. Rita's nursing home, which flooded during Hurricane Katrina, resulting in the death of 35 nursing home residents. The defendants' third party demands against the Governor and other State officials alleged that the Governor failed to discharge and execute the Emergency Operations Plan, which the defendant nursing home operators allege resulted in their failure to evacuate, thereby resulting in the drowning deaths of the nursing home residents. After extensive litigation we prevailed on Exceptions of No Cause of Action, which resulted in dismissal of all claims against the Governor.

Co-Counsel:

Gregory P. Aycock
Amy E. Newsom
Forrester & Dick
4981 Bluebonnet Boulevard

Baton Rouge, LA 70809
225-928-5400

William M. Hudson III
Oats & Hudson
100 East Vermilion Street, Suite 400
Lafayette, LA 70501
337-233-1100
Attorney for Department of Transportation and Development

Michael M. Duran Sr.
Oats & Hudson
530 Natchez Street, Suite 200
New Orleans, LA 70130
504-527-0960
Attorney for Department of Transportation and Development

Stephen H. Vogt
Thibaut, Thibaut & Vogt
P.O. Box 36
Baton Rouge, LA 70821
225-923-3200
Attorney for Department of Health and Hospitals

Stephanie B. Laborde
Milling Benson Woodward, LLP
339 Florida Street, Suite 300
Baton Rouge, LA 70801
225-291-7300
Attorneys for Patient's Compensation Fund

Phelps Dunbar
Susan Eccles
365 Canal Street
New Orleans, LA 70130
504-584-9210
Attorneys for Attorney General

William Guste
Duplass, Zwain, Bourgeois, Morton, Pfister & Weinstock
3838 North Causeway Boulevard, Suite 2900
Metairie, LA 70002
504-832-3700
Attorneys for New Orleans Levee Board

Patrick D. DeRouen Esq.
DeRouen Law Firm
650 Poydras Street, Suite 2230
New Orleans, LA 70130
504-274-3660
Attorney for St. Bernard Parish Government

Opposing Counsel:

James A. Cobb Jr.
Emmett, Cobb, Waits & Henning
1515 Poydras Street, Suite 1950
New Orleans, LA 70112
504-581-1301
Attorney for St. Rita's Nursing Home

Dominick F. Impastato
Marc L. Frischhertz
Frischhertz & Associates
1130 Saint Charles Avenue
New Orleans, LA 70130
504-523-1500
Attorneys for Kenney, Bracklein, Hubert, Wagner, Roux, Lind, Sanderson, Alonzo,
Frischhertz, Montalbano, Serigne, Mattox, Aliff, and Perret

Joseph Bruno, Jr.
Stephen Bruno
Robert Bruno
Bruno & Bruno
855 Baronne Street
New Orleans, LA 70113
504-525-1335
Attorney for Cousins

Danny J. Lirette
Lirette, Gary & Spence, LLC
10 Professional Drive
Houma, LA 70360
985-876-2997
Attorney for Gonzales

Patrick G. Kehoe
833 Baronne Street
New Orleans, LA 70113
504-588-1110
Attorney for Kramer, Rodrigue and Johnson

Gregory J. Noto
Noto Law Firm
532 East Judge Perez Drive, Suite 102
Chalmette, LA 70043
504-279-6686
Attorney for Morales, Lewis, Alfonso, Verges, and Thedy

John deGravelles
deGravelles, Palmintier & Holthaus
618 Main Street
Baton Rouge, LA 70801
225-344-3735
Attorney for Poissenot

Daniel L. Dysart
David Walker
Dysart & Tabary, LLP
3 Courthouse Square
Chalmette, LA 70043
504-271-8011
Attorneys for Anguzza, Dorand, Darsam, and Vidrios

David A. Walker
Jon Wise
Nesblett, Beard & Arsenault
Post Office Box 1190
Alexandria, LA 71309
318-487-9874
Attorneys for Gallodoro and Lott

Richard Tonry
Law Office of Tonry & Ginart
2114 Paris Road
Chalmette, LA 70043
504-271-0471
Attorney for Herzog and Faust

William R. Mustian, III
Stanga & Mustian
3117 Twenty Second Street, Suite 6
Metairie, LA 70002
504-831-0666
Attorney for Berthelot

Caprice Ieyoub
8180 YMCA Plaza, Suite C
Baton Rouge, LA 70810
225-766-0023
Attorney for Thomasson

James B. Guest
1900 32nd Street
Kenner, LA 70065
504-466-8266
Attorney for Depascual

Uddo, Beatmann & Code
Michael C. Code
3445 North Causeway Boulevard, Suite 724
Metairie, LA 70002
504-832-7204
Attorney for Beatmann

Brian D. Katz
Herman Herman Katz & Cotlar, LLP
201 Saint Charles Avenue, Suite 4310
New Orleans, LA 70170
504-581-4892
Attorney for Bell

Louis L. Gertler
Gertler, Gertler, Vincent & Plotkin, LLP
127-129 Carondelet Street
New Orleans, LA 70130
504-581-6411
Attorney for Conlon

Chadwick W. Collings
Thornhill Law Firm, L.C.
1308 Ninth Street
Slidell, LA 70458
800-989-2707
Attorney for Lepine

Stephen R. Rue
Stephen Rue & Associates, Inc.
3309 Williams Boulevard
Kenner, LA 70065
985-641-5010
Attorney for Franz

Attorney at Law
Crawford A. Rose, III
3636 South I-10 Service Road West, Suite 210
Metairie, LA 70001
504-828-1600
Attorney for Lopez

Val P. Exnicios
Liska, Exnicios & Nungesser
365 Canal Street, Suite 2290
New Orleans, LA 70130
504-410-9611
Attorney for Mones

Rick A. Alessi
11485 Guitreau Road
Gonzales, LA 70737
225-644-4394
Attorney for Labat

Perry M. Nicosia
Nicosia, Licciardi & Nunez
1019 West Judge Perez Drive, Suite B
Chalmette, LA 70043
504-279-1000
Attorney for Brocato

Sidney D. Torres, III
Law Offices of Sidney D. Torres, III
8301 West Judge Perez Drive, Suite 303
Chalmette, LA 70043
504-271-8421
Attorney for Rousseau

(8) *Gremillion, et al. v. Kansas City Southern Railway Co., et al.*, Civil No. 2004-5970, 12th Judicial District Court, Parish of Avoyelles, State of Louisiana. Appeals of various pre-trial and evidentiary matters reported at *Gremillion et al. v. Kansas City Southern Railway Co.*, 945 So. 2d 819 (La. App. 3 Cir. 2006), writ granted and remanded to Court of Appeal, 951 So. 2d 1107, 2007-0222 (La. 3/23/07); on remand, 945 So. 2d 819 (La. App. 3 Cir. 2006). Honorable William J. Bennett; 2003 – 2009.

I represented Kansas City Southern Railway Company in a wrongful death lawsuit brought by the heirs of Ms. Gremillion. Her heirs alleged that her death was the result of Kansas City Southern's negligence in connection with a grade crossing accident. After

extensive litigation, much of which involved interpretation and application of the privilege provided by 23 U.S.C. § 409, a settlement between the parties was reached.

Co-Counsel:

Amy E. Newsom
Forrester & Dick
4981 Bluebonnet Boulevard
Baton Rouge, LA 70809
225-928-5400

Judith M. Williams
Assistant Attorney General
Louisiana Department of Justice
Risk Litigation Division
201 Johnston Street, Suite 100
Alexandria, LA 71301
318-487-5936
Attorney for Department of Transportation and Development

Opposing Counsel:

Robert Allen Johnson
502 Tunica Drive East
Marksville, LA 71351
318-346-6616
Attorney for Plaintiffs

Elizabeth S. Hardy
Thomas & Hardy
2380 Lake Street
Lake Charles, LA 70601
337-433-4903
Attorney for Plaintiffs

(9) *Gaspard, et al. v. Kansas City Southern Railway Co., et al.*, Civil No. 2005-7441-A, 12th Judicial District Court, Parish of Avoyelles, State of Louisiana; Honorable Mark A. Jeansonne; 2005 – 2009.

I represented Kansas City Southern Railway Company in a wrongful death lawsuit brought by the parents of a minor in connection with a grade crossing accident. The case was consolidated with two other lawsuits arising out of the same crossing accident brought by an injured passenger and the parents of a deceased passenger. The plaintiffs alleged that Kansas City Southern's negligence resulted in the deaths and injuries. After extensive litigation, a settlement between the parties was reached. The evidence indicated

that the teenage driver was solely at fault for failing to yield and for intentionally trying to beat the train as it approached the crossing in full view of the motorist.

Co-Counsel:

Amy E. Newsom
Forrester & Dick
4981 Bluebonnet Boulevard
Baton Rouge, LA 70809
225-928-5400

William E. Crawford Jr.
Louisiana Department of Justice
Litigation Division
Post Office Box 94005
Baton Rouge, LA 70804
225-326-6300
Attorney for State of Louisiana, Department of Transportation and Development

Opposing Counsel:

Elizabeth S. Hardy
Thomas & Hardy
2380 Lake Street
Lake Charles, LA 70601
337-433-4903
Attorney for Plaintiffs

James T. Lee
Post Office Box 1021
Bunkie, LA 71322
318-346-6616
Attorney for Avoyelles Parish Police Jury

(10) *Vendt v. Calegero, et al.*, Civil Action No. 06-447 (M.D. La. 2006); Honorable Ralph E. Tyson: 2006 – 2007.

I represented two Louisiana Supreme Court Justices, the Chief of the Louisiana Office Disciplinary Counsel and a state bar official in a suit seeking injunctive relief, filed by plaintiff who has been denied admission to practice law in Louisiana based on his failure to meet his burden of proving good moral character required for admission. Plaintiff alleged that the failure to admit him to the Louisiana Bar was a violation of due process. On behalf of the defendants we urged and briefed a motion to dismiss for lack of subject matter jurisdiction, pursuant to *D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983), which holds that “United States District Court is without authority to review final determinations of [a State Court of last resort] in judicial proceedings. Review of such

proceedings can be obtained only in [the Supreme Court of the United States].” The plaintiff subsequently voluntarily dismissed his suit.

Co-Counsel:

David Sanders
Louisiana Department of Justice
Litigation Division
1885 North Third Street
Baton Rouge, LA 70804
225-326-6367
Attorney for Plattsmier and Office of Disciplinary Counsel

Opposing Counsel:

Donna U. Grodner
Grodner & Associates
2223 Quail Run Drive, Suite B-1
Baton Rouge, LA 70808
225-769-1919

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As a young lawyer, I assisted a man dying of AIDS in obtaining medical insurance. His health insurer wrongfully denied coverage, which he required for critical end of life care. The carrier denied coverage alleging fraud on the application. After litigating my client's rights under the policy pro bono, the health care insurer relented and agreed to cover the cost of medical treatment for the life-threatening medical condition to which my client ultimately succumbed.

From 1989 to 1994, while serving on the Baton Rouge Battered Women's Shelter Board, I provided advice and counsel to victims of family violence and clinic counselors and staff. In 2003 I, along with allied professionals, provided free estate planning services to elderly members of my faith community. From 1998 to 1999, I volunteered for the Chamber of Commerce Council of Retired Executives to provide free counseling to entrepreneurs and new business owners regarding legal considerations on running a small business. In 2010, I provided free assistance for Desire Street Ministries to form and establish the iHope Baton Rouge, a non-profit providing after-school tutoring and library assistance to at-risk children ages 6 to 14.

In 2002, I assisted a gentleman in obtaining defense and indemnity from his employer for a Title VII suit that was filed against him. My client was a blue collar hourly wage earner, who was named as the harasser in a Title VII sexual harassment suit. His employer attempted to deny him a defense on the grounds that the alleged acts were *ultra vires*. I was successful in demanding that the employer defend my client, a defense which he could have never afforded. The employer was ultimately able to resolve the case for a nuisance value and my client was exonerated from the plaintiff's allegations.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I anticipate receiving undetermined income from the sale of The Law Offices of Shelly D. Dick, d/b/a Forrester, Dick and Clark. In addition, I anticipate receiving contingency fee income from a recently litigated case.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I am co-owner of Grace George, LLC, a wholesale fashion jewelry design and manufacturing company. My business partner is responsible for the day to day management of the business. My obligation to the company is to design new jewelry pieces and attend wholesale trade shows approximately 10 business days per year. My design responsibility is an artistic endeavor that I plan to continue to pursue in my spare time.

I am co-owner of Lamp Ladies, LLC d/b/a Frockz, a wholesale lampshade slipcover business. My business partner and I are in the process of selling off existing inventory, retiring company debt and closing the business. I do not anticipate spending any significant time or resources on this enterprise in the future.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items

exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I would recuse from any case in which any member of my law firm appeared. While I would carefully review each case for any conflict or appearance of a conflict, I do not anticipate any other conflict if I am confirmed as a district judge.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I would handle all matters involving actual or potential conflicts of interest through careful application of the Code of Conduct for United States Judges and pertinent advisory opinions.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Over the past fifteen years, I have handled or supervised attorneys in my law firm who have handled over 21 pro bono litigated matters, which we accepted on referral from the Baton Rouge Bar Association Pro Bono Project. I estimate that I have donated in excess of four hundred hours on pro bono matters accepted from the Baton Rouge Pro Bono Project.

In addition to the cases accepted from the local pro bono bar project, while serving as a Board Member and Officer for the Capital Area Family Violence Intervention Center (Battered Women's Shelter), I provided approximately 40-60 hours of advice and legal counsel to the agency and to victims of family violence and clinic counselors and staff. In 2003, along with allied professionals, I provided approximately 40-60 hours of free estate

planning services to elderly underprivileged members of my faith community. From 1998 to 1999, through a program initiated by the Chamber of Commerce Council of Retired Executives, I provided approximately 30-40 hours of free legal counseling to entrepreneurs and new business owners regarding legal considerations on running a small business. In 2010, I provided approximately 30-40 hours of free legal services to Desire Street Ministries to charter and establish the iHope Baton Rouge, a non-profit agency which provides after-school tutoring and education assistance to at-risk children ages 6 to 14.

In 2006, 2007 and 2009, I assisted Teresa Green, an elderly woman on a fixed income with leasehold issues, family law matters, and motor vehicle matters totaling 40-50 hours. From 2005 to 2007, I mentored an at-risk young girl. In the course of that mentoring relationship, I provided free legal assistance and counsel to various members of her family which I estimate totaled 40-50 hours.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On August 9, 2011, by written correspondence, I submitted my professional resume to Senator Mary Landrieu expressing my interest in being considered for possible recommendation to the President for nomination to the United States District Court for the Middle District of Louisiana. Sometime thereafter I was contacted by Senator Landrieu's Baton Rouge office and an interview was scheduled. On August 17, 2011, I was interviewed by a local staff member of Senator Mary Landrieu. On September 19, 2011, I met with and was interviewed by Senator Landrieu's vetting committee. I interviewed with Senator Landrieu on October 16, 2011. In December 2011, I was contacted by Senator Landrieu and advised that my name, along with two others, was being submitted to the White House for consideration.

I spoke with an attorney from the White House Counsel's Office in early January 2012. Since January 27, 2012, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On February 27, 2012, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, D.C. On April 25, 2012, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Dick, Rachelle D.	2. Court or Organization USDC, Middle District Louisiana	3. Date of Report 04/25/2012
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) US Disdriect Judge	5a. Report Type (check appropriate type) ☒ Nomination Date 04/25/2012 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2011 to 03/31/2012
7. Chambers or Office Address 4981 Bluebonnet Blvd Baton Rouge, La. 70809		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Insert signature on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

	<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1.	Member,	Law Offices of Shelly D. Dick, LLC
2.	Member	Lamp Ladies LLC, d/b/a Frockz
3.	Member	Grace George, LLC
4.	Member	K & S Property Holdings LLC
5.	Director	I Hope, LLC

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 7

Name of Person Reporting

Dick, Rachelle D.

Date of Report

04/25/2012

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2010	Law Offices of Shelly D. Dick	\$228,500.00
2. 2011	Law Offices of Shelly D. Dick	\$269,656.25
3. 2012	Law Offices of Shelly D. Dick	\$21,002.22
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2011	Social Security Disability
2. 2011	Private Disability Insurance Benefits
3. 2012	Social Security Disability
4. 2012	Private Disability Insurance Benefits

IV. REIMBURSEMENTS *-- transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1.				
2. exempt				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 7

Name of Person Reporting

Dick, Rachelle D.

Date of Report

04/25/2012

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐NONE *(No reportable gifts.)*SOURCEDESCRIPTIONVALUE

1. exempt

2.

3.

4.

5.

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐NONE *(No reportable liabilities.)*CREDITORDESCRIPTIONVALUE CODE

1. Standard Mortgage

Mortgage on Rental Property #1

M

2.

3.

4.

5.

FINANCIAL DISCLOSURE REPORT

Page 4 of 7

Name of Person Reporting

Dick, Rachelle D.

Date of Report

04/25/2012

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Rental Property #1 Baton Rouge, La	D	Rent	M	W	Exempt				
2. Alliance Bernstein Mod Growth 1993-1995 ALTA		None	J	T					
3. Baron Asset Fund Ret	A	Dividend	K	T					
4. ING Clarion Real Estate Portfolio	A	Dividend	K	T					
5. Dodge & Cox Income Fund	A	Dividend	K	T					
6. Fidelity VIP Contrafund Port Srv.	A	Dividend	K	T					
7. Fidelity VIP Mid Cap POrt Srv.	A	Dividend	K	T					
8. Health Care Spdr (XLV)	A	Dividend	J	T					
9. Hugoton Royalty Trust	A	Dividend	L	T					
10. ING Fixed Account		None	L	T					
11. ING Global Resources	A	Dividend	K	T					
12. ING International Small Cap Fund	A	Dividend	K	T					
13. iShares Dow Jones Select Dividend Index Fund	A	Dividend	K	T					
14. Louisiana Principal Protection Fund	A	Int./Div.	J	T					
15. Mutual Global Discovery Fund	A	Dividend	K	T					
16. SPDR Gold Trust		None	J	T					
17. T. Rowe Price Capital Appreciation Fund	B	Dividend	K	T					

1. Income Gain Codes:
(See Columns B1 and D4)

A = \$1,000 or less
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000
H2 = More than \$5,000,000

E = \$15,001 - \$50,000

2. Value Codes
(See Columns C1 and D3)

J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes
(See Column C2)

Q = Appraisal
U = Book Value

R = Cost (Real Estate Only)
V = Other

S = Assessment
W = Estimated

T = Cash Market

FINANCIAL DISCLOSURE REPORT

Page 5 of 7

Name of Person Reporting

Dick, Rachelle D.

Date of Report

04/25/2012

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. T. Rowe Price Spectrum International Fund	A	Dividend	J	T					
19. EQ/Common Stock Index Portfolio	A	Dividend	J	T					
20. EQ/Equity 500 Index Portfolio		None	K	T					
21. Regions Bank Cash Accounts	A	Interest	J	T					
22. Texas Rare Earth Resources Corp. Stock		None	J	T					
23. Law Offices of Shelly D. Dick		None	N	W					
24. K & S Dick Property Holdings LLC	F	Rent	M	W					
25. Lamp Ladies LLC		None	J	W					
26. Grace George LLC		None	J	W					

1. Income Gain Codes:
(See Columns B1 and D4)

A = \$1,000 or less
F = \$50,001 - \$100,000

2. Value Codes
(See Columns C1 and D3)

J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000

3. Value Method Codes
(See Column C2)

Q = Appraisal
U = Book Value

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)
V = Other

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000
S = Assessment
W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

Page 6 of 7

Name of Person Reporting

Dick, Rachelle D.

Date of Report

04/25/2012

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

FINANCIAL DISCLOSURE REPORT

Page 7 of 7

Name of Person Reporting

Dick, Rachelle D.

Date of Report

04/25/2012

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature

Rachelle Dick

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		4	601	Notes payable to banks-secured (auto)		24	822
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities - see schedule		530	197	Notes payable to relatives			
Unlisted securities - see schedule		568	146	Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		3	025
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable - see schedule		546	310
Real estate owned - see schedule	1	040	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		55	323				
Cash value-life insurance							
Other assets itemize:							
				Total liabilities		574	157
				Net Worth	1	624	110
Total Assets	2	198	267	Total liabilities and net worth	2	198	267
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

Alliance Bernstein CollegeBound <i>fund</i>	
Age-Based: Moderate Growth 1993-1995	\$ 1,007
Baron Asset Fund	25,116
ING Clarion Real Estate Portfolio	43,244
Dodge & Cox Income Fund	26,280
EQ/Common Stock Index Portfolio	9,260
EQ/Equity 500 Index Portfolio	17,935
Fidelity VIP Contrafund Portfolio	36,845
Fidelity VIP Mid Cap Portfolio	31,975
Health Care SPDR	9,374
Hugoton Royalty Trust	5,184
ING Fixed Account	88,211
ING Global Resources Portfolio	39,445
ING International Small Cap Fund	23,283
iShares Dow Jones Select Dividend Index Fund	37,707
Louisiana Principal Protection Fund	11,141
Mutual Global Discovery Fund	20,543
SPDR Gold Trust	9,354
Texas Rare Earth Resources Corp. stock	15,290
T. Rowe Price Capital Appreciation Fund	70,124
T. Rowe Price Spectrum International Fund	8,879
Total Listed Securities	<u>\$ 530,197</u>

Unlisted Securities

Grace George, LLC	\$ 12,350
K & S Dick Property Holdings LLC	240,000
Law Offices of Shelly D. Dick LLC	335,796
Lamp Ladies LLC	(20,000)
Total Unlisted Securities	<u>\$ 568,146</u>

Real Estate Owned

Primary residence	\$ 650,000
Rental property	190,000
Undeveloped lot (20% interest)	200,000
Total Real Estate Owned	<u>\$1,040,000</u>

Real Estate Mortgages Payable

Primary residence	\$ 377,268
Rental property	169,042
Total Real Estate Mortgages Payable	<u>\$ 546,310</u>

AFFIDAVIT

I, Shelly Deckert Dick, do swear that the information
provided in this statement is, to the best of my knowledge, true and accurate.

4.26.2012
(DATE)

Shelly D. Dick
(NAME)

Amy E. Newsom
(NOTARY)

Amy E. Newsom, Notary Public
Bar Roll No. 30650
Commissioned For EBR Parish
Qualified To Act Statewide
My Commission Is For Life