

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

WILLIAM PIERCE,

Plaintiff,

VS.

SHERIFF LOUIS M. ACKAL, et al.,

Defendants.

* CIVIL ACTION NO. 17-1365

*

* JUDGE: UNDESIGNATED

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* MAGISTRATE JUDGE: HANNA

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**PLAINTIFF WILLIAM PIERCE'S
MOTION FOR PARTIAL SUMMARY JUDGMENT ON LIABILITY**

In accordance with Rule 56 of the Federal Rules of Civil Procedure, Plaintiff William Pierce moves for partial summary judgment as to liability. As discussed in the accompanying memorandum in support, the undisputed material facts demonstrate that Defendants' actions violated the Americans with Disabilities Act.

The attached summary judgment evidence demonstrates that after Pierce applied to become a deputy sheriff for the Iberia Parish Sheriff's Office, Defendants discriminated against him on the basis of his status as a person living with HIV. Pierce completed IPSO's background check and interview process, and he was approved for hire subject to a pre-employment medical examination. Pierce revealed his HIV-positive status during the examination, and the medical examiners opined that he could safely serve as a deputy sheriff. Two days after receiving the medical examination results, which informed IPSO of Pierce's HIV status, the Defendants sent a rejection letter to Pierce. Defendants cannot articulate a legitimate, nondiscriminatory reason for refusing to hire Pierce, and the Court should thus enter a partial summary judgment as to liability.

WHEREFORE, Plaintiff William Pierce prays that the Court grant summary judgment in his favor as to the liability of the Defendants, leaving only the appropriate remedies and damages to be decided.

Dated: November 23, 2018

Respectfully submitted,

/s/ J. Dalton Courson

J. Dalton Courson, La. Bar No. 28542

dcourson@stonepigman.com

STONE PIGMAN WALTHER WITTMANN L.L.C.

909 Poydras Street, Suite 3150

New Orleans, Louisiana 70112

Telephone: (504) 581-3200

Facsimile: (504) 581-3361

Scott A. Schoettes, admitted pro hac vice

sschoettes@lambdalegal.org

LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.

105 W. Adams, Suite 2600

Chicago, IL 60603

Telephone: (312) 663-4413

Facsimile: (312) 663-4307

Anthony C. Pinggera, admitted pro hac vice

apinggera@lambdalegal.org

LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.

4221 Wilshire Blvd., Suite 280

Los Angeles, CA 90010

Telephone: (213) 382-7600

Facsimile: (213) 351-6050

COUNSEL FOR WILLIAM PIERCE, PLAINTIFF

C E R T I F I C A T E

I hereby certify that a copy of the above and foregoing Motion for Partial Summary Judgment on Liability has been served upon all counsel of record by CM/ECF filing, this 23rd day of November, 2018.

/s/ J. Dalton Courson

TABLE OF CONTENTS

Table of Authorities ii

I. STATEMENT OF FACTS 2

II. ARGUMENT 5

 A. Summary Judgment Standard 5

 B. The Actions of the IPSO Violate the ADA..... 6

 1. The IPSO is a covered entity. 7

 2. Pierce is an individual with a disability. 7

 3. Pierce is qualified for the job of deputy sheriff. 8

 4. The IPSO made an adverse employment decision based on Pierce’s HIV status. 10

 a. Pierce’s HIV status was the key motivating factor in the decision not
 to hire him. 10

 b. IPSO cannot articulate a legitimate nondiscriminatory reason for refusing to hire
 Pierce and the justification it is attempting to offer is obviously pretextual. 11

III. CONCLUSION..... 17

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Anderson v. Liberty Lobby, Inc.</i> , 477 U.S. 242 (1986)	5
<i>Bragdon v. Abbott</i> , 524 U.S. 624 (1998)	7, 10
<i>Buchanan v. City of San Antonio</i> , 85 F.3d 196 (5th Cir. 1993)	12
<i>Caldwell v. KHOU-TV</i> , 850 F.3d 237 (5th Cir. 2017)	13
<i>Carr v. Air Line Pilots Ass'n, Int'l</i> , 866 F.3d 597 (5th Cir. 2017)	6
<i>Chandler v. City of Dallas</i> , 2 F.3d 1385 (5th Cir. 1993)	8
<i>D’Onofrio v. Vacation Publ’ns, Inc.</i> , 888 F.3d 197 (5th Cir. 2018)	6
<i>E.E.O.C. v. Chevron Phillips Chem. Co., LP</i> , 570 F.3d 606 (5th Cir. 2009)	6, 10, 13, 14
<i>E.E.O.C. v. LHC Group, Inc.</i> , 773 F.3d 688 (5th Cir. 2014)	7, 13
<i>Henderson v. Thomas</i> , 913 F. Supp. 2d 1267 (M.D. Ala. 2012)	7
<i>Jackson v. Cal-W Packaging Corp.</i> , 602 F.3d 374 (5th Cir. 2010)	13
<i>Johnson v. JP Morgan Chase Bank, N.A.</i> , 293 F. Supp. 3d 600 (W.D. La. 2018)	6, 11
<i>Moss v. Harris Cnty. Constable Precinct One</i> , 851 F.3d 413 (5th Cir. 2017)	8
<i>N.L.R.B. v. Smith Indus., Inc.</i> , 403 F.2d 889 (5th Cir. 1968)	6
<i>Nunes v. Massachusetts Dep’t of Correction</i> , 766 F.3d 136 (1st Cir. 2014)	7
<i>O’Neal v. City of New Albany</i> , 293 F.3d 998 (7th Cir. 2002)	12
<i>Pinkerton v. Spellings</i> , 529 F.3d 513 (5th Cir. 2008)	10
<i>School Board of Nassau Cnty., Fl. v. Arline</i> , 480 U.S. 273 (1987)	9, 10
<i>Soledad v. U.S. Dep’t of Treasury</i> , 304 F.3d 500 (5th Cir. 2002)	10
<i>U.S. v. Lawrence</i> , 276 F.3d 193 (5th Cir. 2001)	16
<i>Zenor v. El Paso Healthcare Sys., Ltd.</i> , 176 F.3d 847 (5th Cir. 1999)	6

Statutes

42 U.S.C. § 12102(1)(A).....7
42 U.S.C. § 12102(2)(B).....7
42 U.S.C. § 12102(4)(E)(i)(I)7
42 U.S.C. § 12111(2)7
42 U.S.C. § 12111(5)(A).....7
42 U.S.C. § 12112(a)6, 10
42 U.S.C. § 12112(d)(2)-(3)3, 10, 12, 16
42 U.S.C. § 12113(b)9

Other Authorities

29 C.F.R. § 1630.2(n)(3).....8
ADA Enforcement Guidance: Preemployment Disability-Related Questions and
Medical Examinations (EEOC Oct. 10, 1995).....12, 13
Federal Rule of Civil Procedure 56(a)5

**MEMORANDUM IN SUPPORT OF
MOTION FOR PARTIAL SUMMARY JUDGMENT ON LIABILITY**

The Americans with Disabilities Act (“ADA”) was enacted to protect people living with disabilities from discrimination in a variety of contexts, including employment. In 2009, the ADA was amended to make explicit that individuals who suffer from physical impairments that substantially limit immune function, including impairments caused by the human immunodeficiency virus (“HIV”), are protected by the ADA. Despite its clear prohibition, discrimination against people living with HIV—rooted in outdated misconceptions about the virus, its transmission, and the effects on those who are living with it—persists.

Defendants discriminated against Plaintiff William Pierce based on such outdated misconceptions about HIV. On February 20, 2012, after over a decade working as a first responder—including a number of years as a police officer—Pierce applied for a position with the Iberia Parish Sheriff’s Office as a deputy sheriff. He completed the entire interview process and was informed that he would be hired if he passed a pre-employment medical exam. At his medical exam, Pierce revealed his HIV-positive status to the healthcare professionals conducting the exam. Even though the medical examiners opined that he could safely serve as a deputy sheriff without restrictions or accommodation, Pierce was not hired after IPSO learned of his HIV status.

Faced with these undisputed facts and Pierce’s allegations of disability discrimination, IPSO is now attempting to claim that Pierce’s HIV status had nothing to do with their decision. Rather, they point to an incident of alleged misconduct that occurred while Pierce was employed by the Abbeville Police Department—which Defendants knew about from the very beginning of his application process, questioned him about during his interview, and dismissed as unimportant

and inconsequential—was the real reason he was rejected for employment as a deputy sheriff. The undisputed facts, the timeline, and IPSO’s own policies and procedures—and the requirements of the ADA itself—all belie this purported justification as mere pretext. Because IPSO has not raised a triable issue of material fact as to any element of Pierce’s ADA claim, it is appropriate to grant summary judgment on liability in favor of Plaintiff.

I. STATEMENT OF FACTS

Plaintiff William Pierce has been living and working in Louisiana since 2005, when he came to the state to assist in the recovery in the wake of Hurricane Katrina. Ex. 1, Pierce Aff., at ¶ 1. Pierce brought with him over a decade of experience in public health and public safety from his time as a paramedic, emergency medical services (EMS) instructor, and HIV/STD educator in Ohio. *Id.* In 2008, he began his law enforcement career as an officer in the Arnaudville Police Department. *Id.* In 2009, Pierce moved over to the Abbeville Police Department (APD), where he remained until 2012. *Id.* At no point in his nearly fifteen years of experience as a police officer and paramedic has his status as a person living with HIV hindered him in any way from performing his duties.

IPSO follows a specific order of procedures in its hiring process. After receiving an application from an individual in whom it is interested, but before inviting that applicant to interview, IPSO conducts a background check. Ex. 3, Raborn Dep., pp. 122:15-123:3.¹ This background check includes investigation into prior employment, including if necessary the circumstances of an individual’s termination from a prior position. Ex. 3, LeJeune Dep., pp. 94:21-95:13; *see also* Ex. 3, Raborn Dep., p. 119:6-12. This is meant to ensure that any matters

¹ HR Director Tessie Lejeune, Major Wendell Raborn, and Captain Dickie Fremin appeared as Rule 30(b)(6) designees for IPSO. Their testimony was recorded in a single transcript, and relevant excerpts are attached as Exhibit 3.

of concern in an applicant's background are known before the applicant is interviewed. After the interview is conducted, if the Captain in charge decides the applicant should be hired, the Captain fills out a form called a "Personnel Action Request" (PAR), which is then submitted to Sheriff Ackal for his approval and signature. Ex. 3, LeJeune Dep., pp. 36:14-21, 40:15-41:21. Sheriff Ackal's signature on a PAR "means that the Sheriff has approved the hire." Ex. 3, Raborn Dep., p. 135:13-16; *see also* Ex. 3, LeJeune Dep., p. 46:10-13. In keeping with the ADA's requirement that pre-employment medical exams take place only after an offer of employment is made contingent solely on the results of the medical exam (*see* 42 U.S.C. §12112(d)(2)-(3)), IPSO's human resources department schedules a pre-employment medical exam only after it has been informed that Sheriff Ackal has approved hiring the applicant if the medical exam establishes fitness for duty. Ex. 3, LeJeune Dep., p. 39:2-16.

On February 20, 2012, Pierce applied for a deputy sheriff position with IPSO.² Ex. 1, Pierce Aff., at ¶ 3. In his application, Pierce revealed that he had been terminated by his prior employer, the APD. *See id.* at Ex. A thereto (application for employment with IPSO). Pierce had been terminated for an incident involving the discharge of his firearm while he had two prisoners in custody. *Id.*, attached Ex. B, Audio Recording: Interview of William Pierce, 2:30-3:30 (March 27, 2012).³ He offered in the application to provide the Internal Affairs (IA) documents regarding this incident. *See* Ex., 1, ¶ 4 and Ex. A thereto. Before Pierce was invited to interview for the deputy sheriff position, IPSO completed a background check, including a

² At the time that he applied for the deputy sheriff position, Plaintiff used the last name "Proctor." Plaintiff changed his last name to Pierce in 2015. Ex. 1, Pierce Aff. ¶ 1.

³ A copy of the audio recording of Pierce's job interview is authenticated by Pierce in his affidavit. Ex. 1, Pierce Aff. ¶ 5. It will be manually submitted on CD. For convenience of the Court, counsel has prepared a transcription of the recording which is attached hereto as Exhibit 2. The cited portions of the audio recording are reflected on pages 1 and 2 of the transcription.

check of his prior employment history. Ex. 3, LeJeune Dep., pp. 92:10-94:18; *see also* Ex. 3, LeJeune Dep., Ex. 8 thereto. If any issues of concern had arisen in the employment check, they would have been reflected in the background check forms. Ex. 3, LeJeune Dep., 94:15-18. Pierce's background check contained no issues or concerns warranting further review. *See id.*, Ex. 8.

When Pierce interviewed, IPSO was well aware of the incident that led to his termination from the APD. *See, e.g.*, Ex. 1, attached Ex. "B", Audio Recording: Interview of William Pierce, 2:30-3:30 (March 27, 2012). At the beginning of his interview, Pierce was questioned specifically about the circumstances of his termination from the APD. *Id.* Pierce was completely candid in his response, and the interviewer informed Pierce that he "wasn't troubled by it." *Id.* at 2:55. The interview continued for another half an hour after Pierce was questioned about his termination from the APD. *See generally id.* In addition to the information that Pierce provided and any information that may have been uncovered during the background check, IPSO employed other former members of the APD and they were asked about the incident that led to Pierce's termination. *See id.* at 2:30-3:30. By the time Pierce's PAR was approved by both Captain Boudreaux and Sheriff Ackal, he had been fully vetted and those making the hiring decision were well aware of the incident that led to his termination from his prior job. Ex. 3, LeJeune Dep., p. 45:8-14; *see also* Ex. 3, LeJeune Dep., Ex. 3 thereto.

Pierce was informed he had been approved for hire pending a medical examination. Ex. 1, Pierce Aff. at ¶ 6. Pierce undertook the required examination at Teche Occupational Medical Clinic on April 11, 2012. *Id.* He explicitly noted on the pre-exam forms he completed that he is living with HIV. *Id.* After completing the medical exam—and with full knowledge of Pierce's HIV status—the healthcare provider stated there were "no significant abnormalities or medical

findings” and that Pierce was medically qualified to perform all essential duties of his position without accommodation. *Id.*; *see also* Ex. 4, Broussard Dep., pp. 26:22-27:10. As was the practice of the healthcare providers at the Teche Occupational Medical Clinic, they nonetheless informed IPSO as part of the medical exam results that Pierce had tested positive for HIV. *See* Ex. 3, LeJeune Dep., Ex. 6 thereto. IPSO’s Human Resources Director, Tessie LeJeune, brought this to the attention of Defendant Ryan Turner and Chief Richard Hazelwood on April 16, 2012. Ex. 3, LeJeune Dep., pp. 80:4-82:5. Subsequent to this, Turner and Hazelwood brought the medical exam results to Sheriff Ackal. On April 18, Turner informed LeJeune that Pierce would not be hired and asked her to send a letter to Pierce informing him of the decision. *Id.* at pp. 81:2-83:4; *see also* Ex. 1, Pierce Affidavit, Ex. "D" thereto.

After receiving the rejection letter from IPSO, Pierce filed a complaint with the EEOC for disability discrimination. After receiving his right-to-sue letter over five years later, Pierce brought the present action for monetary and injunctive relief under Title I of the ADA. *See* Rec. Doc. 14, First Amended Complaint, ¶¶ 29-35. IPSO now claims it was not Pierce’s HIV status, but rather the prior incident in Abbeville—of which the IPSO had been aware since before Pierce was interviewed—that is the reason he was rejected for employment as a deputy sheriff. Rule 26(f) Report, Rec. Doc. 15 at p. 2.

II. ARGUMENT

A. Summary Judgment Standard

Federal Rule of Civil Procedure 56(a) states that summary judgment shall be granted if “the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. Pro. 56(a). “Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude entry of summary judgment.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). In order for

the nonmoving party to defeat a motion for summary judgment, “the evidence must be of such a character that reasonable men exercising impartial judgment may differ in their conclusion.” *N.L.R.B. v. Smith Indus., Inc.*, 403 F.2d 889, 892-93 (5th Cir. 1968) (internal citations omitted). Only admissible evidence may be considered in ruling on a motion for summary judgment, and conclusory allegations without factual support will not defeat a motion for summary judgment. *See D’Onofrio v. Vacation Publ’ns, Inc.*, 888 F.3d 197, 208 (5th Cir. 2018). The trier of fact does not have “a duty to sift through the record in search of evidence to support the nonmovant’s opposition to summary judgment.” *Carr v. Air Line Pilots Ass’n, Int’l*, 866 F.3d 597, 601 (5th Cir. 2017). As Defendants cannot demonstrate a genuine dispute over any material fact regarding their discriminatory refusal to hire Plaintiff, summary judgment on liability in Plaintiff’s favor is appropriate.

B. The Actions of the IPSO Violate the ADA

Under the provisions of the Americans with Disabilities Act (the “ADA”), “[n]o covered entity shall discriminate against a qualified individual on the basis of disability in regard to . . . the hiring . . . of employees.” 42 U.S.C. § 12112(a). If, as in this case, the employer has not made explicit discriminatory statements, “this court applies the *McDonnell Douglas* burden-shifting framework” to determine liability. *E.E.O.C. v. Chevron Phillips Chem. Co., LP*, 570 F.3d 606, 615 (5th Cir. 2009). Under this framework, the plaintiff must prove: “(1) that he has a disability; (2) that he was qualified for the job; [and] (3) that he was subject to an adverse employment decision on account of his disability.” *Zenor v. El Paso Healthcare Sys., Ltd.*, 176 F.3d 847, 853 (5th Cir. 1999). “[T]he burden then shifts to the employer to articulate a legitimate, nondiscriminatory reason for the adverse employment action.” *Johnson v. JP Morgan Chase Bank, N.A.*, 293 F. Supp. 3d 600, 609 (W.D. La. 2018). If the employer does so,

“the burden shifts back to [the Plaintiff] to show that [the Defendant’s] proffered reason is pretextual.” *E.E.O.C. v. LHC Group, Inc.*, 773 F.3d 688, 694 (5th Cir. 2014).

1. The IPSO is a covered entity.

The ADA applies only to covered entities. A “covered entity” under the ADA is “an employer, employment agency, labor organization, or joint labor-management committee.” 42 U.S.C. § 12111(2). An “employer” is “a person engaged in commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.” 42 U.S.C. § 12111(5)(A). In Plaintiff’s First Amended Complaint, Plaintiff alleged that IPSO is an employer under the ADA. Rec. Doc. 14 at ¶ 30. Defendants admit that the IPSO is an employer under the ADA. Rec. Doc. 21, Def. Ans. at XXXI. Thus, IPSO is a covered entity for purposes of this suit.

2. Pierce is an individual with a disability.

In the ADA, “[t]he term ‘disability’ means, with respect to an individual[,] a physical or mental impairment that substantially limits one or more major life activities.” 42 U.S.C. § 12102(1)(A). “[A] major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system.” 42 U.S.C. § 12102(2)(B). “The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as . . . medication.” 42 U.S.C. § 12102(4)(E)(i)(I). HIV, a virus that attacks and impairs the immune system, falls squarely within the ADA’s definition of a disability. *See Bragdon v. Abbott*, 524 U.S. 624, 637 (1998) (“[HIV] is an impairment from the moment of infection”); *see also, e.g., Nunes v. Massachusetts Dep’t of Corr.*, 766 F.3d 136, 144 (1st Cir. 2014); *Henderson v. Thomas*, 913 F. Supp. 2d 1267, 1288 (M.D. Ala. 2012). Mr. Pierce was living with HIV when he applied for the position with IPSO. Ex. 1, Pierce Aff. at ¶ 3. Without the medication he takes on a daily basis,

Pierce's HIV would substantially limit the operation of his immune system. Thus, Plaintiff is an individual with a disability within the meaning of that term under the ADA.

3. Pierce is qualified for the job of deputy sheriff.

“A plaintiff can establish that he is ‘qualified’ by showing that either (1) he could perform the essential functions of the job in spite of his disability, or (2) that a reasonable accommodation of his disability would have enabled him to perform the essential functions of the job.” *Moss v. Harris Cnty. Constable Precinct One*, 851 F.3d 413, 417 (5th Cir. 2017). “Essential functions” are duties that “bear more than a qualified relationship to the job at issue.” *Chandler v. City of Dallas*, 2 F.3d 1385, 1393 (5th Cir. 1993). In addition to any written job descriptions prepared *before* advertising a job, the Court may consider “[t]he work experience of past incumbents in the job; and/or the current work experience of incumbents in similar jobs.” 29 C.F.R. § 1630.2(n)(3). Pierce has produced strong evidence that he can perform the essential functions of the job of “deputy sheriff.” Though it failed to produce a written job description outlining the essential duties of the position of deputy sheriff, IPSO has stated that the essential job duties for “deputy sheriff” are “to handle complaints, make arrests, traffic accidents, patrolling the street to deter crime, shoplifters,” transport[ing] prisoners, transporting people to mental institutions, etc.⁴ Ex. 3, *Fremin Dep.*, pp. 153:16-154:3.

At the time of his application, Pierce had over a decade of experience as a first responder, including almost four years of experience as a police officer. Ex. 1, *Pierce Aff.*, ¶ 1. While the IPSO does not maintain any specific criteria to determine an applicant or employee's medical fitness for duty, it does require all new hires to submit to a medical exam. Ex. 3, *Fremin Dep.*,

⁴ Because Defendant was unable to produce a job description outlining the duties of “Sheriff's Deputy,” Plaintiff's expert relied upon publicly-available job descriptions for this type of position from other jurisdictions.

pp. 161:25-162:3. The purpose of this exam is to determine “if there are any abnormal findings.” Ex. 5, Bernard Dep., p. 38:12-14. Pierce’s physical screening “did not find any significant defects that would prevent him from going to work.” Ex. 4, Broussard Dep., p. 22:21-23. Pierce has two chronic medical conditions: HIV and a heart condition. Ex. 3, Raborn Dep., Ex. 11 thereto. The examiner nevertheless determined that Pierce was “employable without any accommodations.” Ex. 4, Broussard Dep., p. 30:10-16.

Furthermore, Plaintiff’s medical expert has opined that “no job duty . . . would present a risk of HIV transmission to another law enforcement officer or to a member of the public.” Ex. 6, Halperin Decl., ¶ 9. Consistent adherence to HIV antiretroviral therapy suppresses the number of viral copies, or “viral load,” in the blood, which “improves and maintains immune function . . . prevents HIV-associated complications, and prevents transmission of HIV to others.” *Id.* at ¶ 10. “If a law enforcement officer maintained a suppressed viral load, the already extremely low risk of transmission even in . . . extreme circumstances . . . involving substantial blood-to-blood contact would be significantly reduced.” *Id.* at ¶ 11. There is no evidence that Pierce lacked the requisite strength, stamina, or experience to perform the essential duties of deputy sheriff, or that his well-controlled HIV would in any way interfere with his ability to safely perform these essential duties. Defendants do not dispute that Plaintiff could perform the essential functions of the job without an accommodation. Defs.’ Ans. at XXXIII. Thus, Pierce is a qualified individual under the ADA.⁵

⁵ Defendants cannot legitimately claim that Pierce is not a qualified individual because his HIV poses a direct threat to the health and safety of other individuals in the workplace. *See* 42 U.S.C. § 12113(b) (describing the “direct threat” defense); *see also School Bd. of Nassau Cnty., Fl. v. Arline*, 480 U.S. 273, 287-88 (1987). Defendants have not articulated this as a basis for their decision not to hire Pierce and have not raised it as a defense in this litigation. Furthermore, Plaintiff’s expert infectious disease specialist has opined that a sheriff’s deputy with HIV does not present a significant risk to the health or safety of others, and Defendants have identified no

4. **The IPSO made an adverse employment decision based on Pierce’s HIV status.**
 - a. **Pierce’s HIV status was the key motivating factor in the decision not to hire him.**

Under the ADA, “[n]o covered entity shall discriminate against a qualified individual on the basis of disability in regard to . . . the hiring . . . of employees.” 42 U.S.C. § 12112(a). Additionally, an employer may only require an applicant to submit to a medical examination “after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant.” 42 U.S.C. §12112(d)(2)-(3). “[D]iscrimination need not be the sole reason for the adverse employment decision, but must actually play a role in the employer’s decision making process and have a determinative influence on the outcome.” *Pinkerton v. Spellings*, 529 F.3d 513, 519 (5th Cir. 2008) (quoting *Soledad v. U.S. Dep’t of Treasury*, 304 F.3d 500, 503-04 (5th Cir. 2002)). An employer need not make explicit discriminatory statements to be held liable under the ADA. *See, e.g., E.E.O.C. v. Chevron Phillips Chem. Co., LP*, 570 F.3d 606, 623-24 (5th Cir. 2009) (the timing of an employee’s discharge shortly after an accommodation request was strong evidence that her employer was “looking for reasons to fire her because of her disability or request for accommodations, or both”).

It is evident in this case that Pierce’s HIV status was the determinative motivation in IPSO’s refusal to hire him. According to IPSO’s own Human Resources Director, once an individual is sent for their medical exam, no other factors are considered in finalizing an applicant’s employment. *See* Ex. 3, LeJeune Dep., p. 46:14-20. And the Division Chief and the Sheriff only see the results of the exam if Human Resources receives a notice from the medical

expert to refute this expert opinion. Thus, there is no need to analyze the current case under the “direct threat” standard articulated in *Arline* and *Bragdon v. Abbott*, 524 U.S. 624 (1998).

examiner that there is an irregularity. *Id.* at pp. 57:19-58:1. In this instance, along with the certification that Pierce was fit for duty as a deputy sheriff, Human Resources Director (“HR Director”) LeJeune received a form from Teche Occupational Medical Clinic on April 16 stating there were “abnormal findings” on Pierce’s medical exam and that he had tested positive for HIV. *See id.*, Ex. 6. The HR Director brought the form and medical exam results to Defendant Turner and Chief Hazelwood, who then brought the results to Sheriff Ackal. *Id.* at p. 81:3-18. The HR Director was subsequently informed on April 18 that IPSO was not hiring Pierce after all, and that she was to send him a letter to that effect. *Id.* at pp. 81:19-82:5; *id.*, Ex. 7 thereto; *see also id.* at pp. 83:5-84:16. An application process that had taken almost two months was brought to an abrupt halt within forty-eight hours of IPSO being informed that Pierce is living with HIV. Given the nearly immediate decision not to hire Pierce after being informed of the examination results—and the fact that by its own policies, IPSO has approved an applicant for hire and does not consider anything other than the results of the medical exam after the applicant has submitted to one—the only logical conclusion is that HIV was the primary and determinative motivating factor in the decision not to hire Pierce. Given these undisputed facts, Plaintiff has more than met his burden to establish that the prima facie case of disability discrimination.

b. IPSO cannot articulate a legitimate nondiscriminatory reason for refusing to hire Pierce and the justification it is attempting to offer is obviously pretextual.

In order to escape liability under the ADA, IPSO must “articulate a legitimate, nondiscriminatory reason for the adverse employment action.” *Johnson v. JP Morgan Chase Bank, N.A.*, 293 F. Supp. 3d 600, 609 (W.D. La. 2018). IPSO has claimed that, contrary to what Pierce alleges in his Complaint, Pierce was not hired as a result of his disciplinary record while employed at the APD. *See* Rec. Doc. 15. However, as a result of explicit prohibitions regarding pre-employment medical exams found in the ADA, IPSO’s non-medical justification for its

refusal to employ Pierce should be disregarded in its entirety. Furthermore, even without the procedural bar that should pre-empt this argument, it is evident Defendants' purported justification for rejecting Plaintiff at the eleventh hour of the application process is mere pretext.

Defendants should not be permitted to rely upon Pierce's disciplinary record while employed at the APD as the reason for Defendants' refusal to hire him. The ADA requires an employer to make an offer of employment to a prospective employee *contingent solely upon the results of a pre-employment medical examination* before sending that prospective employee for a pre-employment medical examination. See 42 U.S.C. § 12112(d)(2)-(3) (“[a] covered entity *may* require a medical examination *after* an offer of employment has been made to the job applicant”) (emphasis added); see also *Buchanan v. City of San Antonio*, 85 F.3d 196, 199 (5th Cir. 1993) (if an offer of employment is conditioned on more than the results of a medical exam, then the administration of a medical exam is premature and improper); ADA Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations (EEOC Oct. 10, 1995) (“a job offer is real if the employer has evaluated all relevant non-medical information that it reasonably could have obtained and analyzed prior to giving the offer”).

The purpose of this prohibition is to make clear to an applicant when the hiring decision has been based upon some aspect of the applicant's physical capabilities, which may implicate a disability as the motivating factor, and to prevent an employer from creating a *post-hoc* rationalization for the rejection of a candidate that was indeed impermissibly based on a disability. See, e.g., *O'Neal v. City of New Albany*, 293 F.3d 998, 1008 (7th Cir. 2002) (“[t]his requirement is intended to ensure that an applicant's possible hidden disability . . . is not considered before the employer evaluates an applicant's non-medical qualifications”) (quoting ADA Enforcement Guidance: Preemployment Disability-Related Questions and Medical

Examinations (EEOC Oct. 10, 1995)). If this provision of the ADA is not enforced by preventing Defendants from relying upon purported justifications other than the results of Pierce's pre-employment medical exam, the provision's entire purpose is defeated, rendering it a nullity. If the Court applies and enforces this provision of the ADA, the *McDonnell-Douglas* burden-shifting analysis is at an end, and Plaintiff's motion for summary judgment on liability should be granted.

Assuming *arguendo*, however, that Defendants are permitted to point to Pierce's disciplinary record while employed at the APD as the proffered reason for their refusal to hire him—despite the clear mandate of the ADA—it is readily apparent this purported justification is mere pretext. Once an employer articulates a non-discriminatory reason for taken an adverse employment action, the Plaintiff must “show that [the Defendant's] proffered reason is pretextual.” *E.E.O.C. v. LHC Group, Inc.*, 773 F.3d 688, 694 (5th Cir. 2014). “A plaintiff may show pretext either through evidence of disparate treatment or by showing that the employer's proffered explanation is false or unworthy of credence.” *Caldwell v. KHOU-TV*, 850 F.3d 237, 242 (5th Cir. 2017) (quoting *Jackson v. Cal-W Packaging Corp.*, 602 F.3d 374, 378-79 (5th Cir. 2010)). In determining whether the stated reason is pretextual, the court can consider “both the evidence presented in the prima facie case and any [other] evidence the plaintiff produces.” *Chevron Phillips*, 570 F.3d at 615. A rationale that is developed only after an employer resolves to make an adverse employment decision is pretextual. *Id.* at 624.

In *Chevron Phillips*, Plaintiff was terminated from her position after informing Defendant, her employer, that she had suffered a relapse of chronic fatigue syndrome (“CFS”). *Id.* at 612-13. Defendant claimed that, because Plaintiff had not stated in any of her medical history paperwork that she had a history of CFS, she had improperly misrepresented her medical

history; as a result, Defendant had a legitimate justification for terminating her. *Id.* at 622. The Fifth Circuit disagreed with this conclusion. *Id.* at 625. Neither of Plaintiff's supervisors had reviewed her medical history, and both asserted, incorrectly and without corroborating evidence, that CFS was a blood disorder that Plaintiff was required to report. *Id.* at 624. They made no attempt to follow up with Plaintiff's doctor regarding her accommodation request or her abilities during her relapse. *Id.* at 624-25. Thus, the Fifth Circuit, in reversing summary judgment in favor of Defendant, said that, because Defendant made no effort to corroborate its own assumptions, "a jury reasonably could find that [Chevron Phillips's] management first formed an intention to discharge [Plaintiff] because of her CFS disability or accommodations requests and only afterwards developed the purely pretextual reasons they advanced for their actions." *Id.* at 625.

Like the Defendant in *Chevron Phillips*, Defendants' stated justification in the present case is revealed as false based on their own procedures, policies and conduct. According to IPSO's own hiring policies, "[a]n application will not be forwarded nor applicant interviewed at the division level until the background investigation is complete and the personnel officer has verified the applicant's eligibility to be hired and the initial investigation is documented." Ex. 3, Raborn Dep., p. 119:6-12. The scope of this investigation included an applicant's prior employment. *See* Ex. 3, Raborn Dep., pp. 122:15-123:3; *see also* Ex. 3, LeJeune Dep., pp. 94:21-95:13. Furthermore, after an interview was completed, an applicant was scheduled for a medical exam *only* if the Chief of the applicable Division wanted to hire the applicant. Ex. 3, Lejeune Dep., p. 39:2-16. If the Division Chief had selected the applicant for hire, a PAR for the hire was generated and signed by three IPSO members, including the Division Chief and the Sheriff. The PAR indicates that, contingent upon the results of the medical exam, the applicant

is hired. Ex. 3, LeJeune Dep., p. 46:10-13. Both the Division Chief and the Sheriff signed a PAR for Pierce. Ex. 3, LeJeune Dep., Ex. 3 thereto. If the policies and procedures of the IPSO were followed—and there is no indication they were not—any investigation of Pierce’s employment at Abbeville, including the circumstances of his termination, would have been conducted long before the Division Chief and the Sheriff signed off on the PAR for Pierce. Indeed, Pierce’s background check reveals that it was completed on February 29, 2012, and this document should have been in Sheriff Ackal’s hands when he made the decision to sign the PAR. *See* Ex. 3, LeJeune Dep., Ex. 8 thereto.

Furthermore, not only was the IPSO aware of the circumstances of Pierce’s termination from Abbeville, but they had also determined that those circumstances did not concern them enough to influence their hiring decision. Pierce disclosed in his application that he had been terminated by the APD and offered to provide the documents from the Internal Affairs (IA) investigation into the matter. In the documentation of Pierce’s background check, his termination from Abbeville is not mentioned. LeJeune Dep., Ex. 8. Pierce was specifically asked about “the prior incident” with the APD at the beginning of his interview with the IPSO. *See* Ex. 1, Pierce Aff., Ex. B thereto, Audio Recording: Interview of William Pierce, 2:30-3:30 (March 27, 2012). After asking a few confirmatory questions about the incident, the interviewer said, “[t]hat’s all I need to know. I’m not even going to ask you anything more in-depth than that. I’m okay with it. I don’t really have trouble with it.” *Id.* at 2:55-3:05. Pierce even offered to produce dash-cam footage of the incident, but the interviewer insisted that “I’m not even concerned with that.” *Id.* at 2:45. The interview then continued for another thirty minutes. *Id.* If the incident was as disqualifying as Defendants now claim, it would not have been so easily brushed aside. None of

the multiple IPSO employees involved in the application process raised any concerns about the incident that led to Pierce's termination from the APD.

Finally, the decision to refuse Pierce a position came almost immediately after IPSO learned about his HIV status. IPSO was informed of Pierce's health status on April 16, and by April 18, a letter had been sent to him rejecting his application. Prior to April 16, there was no indication that Pierce's employment history was still under review. As explained above, if Pierce's employment history had still been a consideration in the hiring decision, that itself would have been a violation of the ADA. *See* 42 U.S.C. § 12112(d)(2)-(3). For IPSO to now claim that Pierce's prior employment history suddenly became a deal breaker in that two-day span when it had not been concerning in the least to anyone in the IPSO in the preceding two months is simply beyond belief.

The Defendant's purported justification for refusing to hire Pierce is contradicted by both the facts and the implications of IPSO's own policies. If indeed his employment history was disqualifying, Pierce would never have been asked to interview. At the very least, a PAR would not have been signed until such concerns were resolved. The timing of Pierce's rejection lays bare IPSO's true rationale: it was his HIV status—and not any previous employment or conduct concerns—that led Defendants to their decision. This is precisely the kind of discriminatory decision that the ADA was enacted to prevent. Because IPSO cannot dispute the material facts laid out above and has been unable to produce any evidence corroborating its proffered explanation for refusing to hire Pierce, it is apparent that the purported explanation is pretextual. *See, e.g., U.S. v. Lawrence*, 276 F.3d 193, 197 (5th Cir. 2001) (a mere recitation of “self-serving allegations [is] not the type of ‘significant probative evidence’ required to defeat summary judgment”).

III. CONCLUSION

William Pierce was eminently qualified for a position as a deputy sheriff. He had easily cleared every hurdle to employment with IPSO. It was only after Defendants became aware that he was living with HIV that his past employment record—discounted as inconsequential a month before—suddenly became supposedly unacceptable. Defendants have marshalled no evidence to support the bare assertion they are now making regarding the purported reasons for Pierce’s rejection, while the facts of the case, including Defendants’ own departmental policies, provide strong evidence that IPSO’s stated justification for refusing to hire Pierce was and is pretextual. As Defendants have not been able to raise a genuine issue of material fact as to any element of Pierce’s ADA claim, it is appropriate to grant summary judgment on liability in favor of Plaintiff.

Dated: November 23, 2018

Respectfully submitted,

/s/ J. Dalton Courson

J. Dalton Courson, La. Bar No. 28542

dcourson@stonepigman.com

STONE PIGMAN WALTHER WITTMANN L.L.C.

909 Poydras Street, Suite 3150

New Orleans, Louisiana 70112

Telephone: (504) 581-3200

Facsimile: (504) 581-3361

Scott A. Schoettes, admitted pro hac vice

sschoettes@lambdalegal.org

LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.

105 W. Adams, Suite 2600

Chicago, IL 60603

Telephone: (312) 663-4413

Facsimile: (312) 663-4307

Anthony C. Pinggera, admitted pro hac vice
apinggera@lambdalegal.org
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
4221 Wilshire Blvd., Suite 280
Los Angeles, CA 90010
Telephone: (213) 382-7600
Facsimile: (213) 351-6050
COUNSEL FOR WILLIAM PIERCE, PLAINTIFF

C E R T I F I C A T E

I hereby certify that a copy of the above and foregoing Memorandum in Support of Motion for Partial Summary Judgment on Liabilityw has been served upon all counsel of record by CM/ECF filing, this 23rd day of November, 2018.

/s/ J. Dalton Courson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

WILLIAM PIERCE,

Plaintiff,

VS.

SHERIFF LOUIS M. ACKAL, et al.,

Defendants.

* CIVIL ACTION NO. 17-1365

*

* JUDGE: UNDESIGNATED

*

* MAGISTRATE JUDGE: HANNA

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**STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT ON LIABILITY**

In accordance with Local Rule 56.1, Plaintiff William Pierce submits the following statement of undisputed material facts in support of his Motion for Partial Summary Judgment on Liability.

1. Plaintiff William Pierce has been living and working in Louisiana since 2005, when he came to the state to assist in the recovery in the wake of Hurricane Katrina. Ex. 1, Pierce Aff., at ¶ 1.
2. Pierce brought with him over a decade of experience in public health and public safety from his time as a paramedic, emergency medical services (EMS) instructor, and HIV/STD educator in Ohio. *Id.*
3. In 2008, Pierce began his law enforcement career as an officer in the Arnaudville Police Department. *Id.*
4. In 2009, Pierce left the Arnaudville Police Department and became employed by the Abbeville Police Department, where he remained until 2012. *Id.*

5. After receiving an application from an individual in whom it is interested, but before inviting that applicant to interview, IPSO conducts a background check. Ex. 3, Raborn Dep., pp. 122:15-123:3.
6. This background check includes investigation into prior employment, including if necessary the circumstances of an individual's termination from a prior position. Ex. 3, LeJeune Dep., pp. 94:21-95:13; *see also* Ex. 3, Raborn Dep., p. 119:6-12.
7. After the interview is conducted, if the Captain in charge decides the applicant should be hired, the Captain fills out a form called a "Personnel Action Request" (PAR), which is then submitted to Sheriff Ackal for his approval and signature. Ex. 3, LeJeune Dep., pp. 36:14-21, 40:15-41:21.
8. Sheriff Ackal's signature on a PAR "means that the Sheriff has approved the hire." Ex. 3, Raborn Dep., p. 135:13-16; *see also* Ex. 3, LeJeune Dep., p. 46:10-13.
9. IPSO's human resources department schedules a pre-employment medical exam only after it has been informed that Sheriff Ackal has approved hiring the applicant if the medical exam establishes fitness for duty. Ex. 3, LeJeune Dep., p. 39:2-16.
10. On February 20, 2012, Pierce applied for a deputy sheriff position with IPSO. Ex.1, Pierce Aff, at ¶ 3.
11. In his application, Pierce revealed that he had been terminated by his prior employer, the APD. *See* Ex. 1, Pierce Aff., at ¶ 4, Ex. A (application for employment with IPSO).
12. Pierce had been terminated for an incident involving the discharge of his firearm while he had two prisoners in custody. Ex. 1, Pierce Aff., at ¶ 5, Ex. B (Audio Recording: Interview of William Pierce, 2:30-3:30 (March 27, 2012)).

13. Before Pierce was invited to interview for the deputy sheriff position, the IPSO completed a background check, including a check of his prior employment history. Ex. 3, LeJeune Dep., pp. 92:10-94:18; *see also id.* at Ex. 8 thereto.
14. If any issues of concern had arisen in the employment check, they would be reflected in the background check forms. Ex. 3, LeJeune Dep., p. 94:15-18.
15. Pierce's background check contained no issues or concerns warranting further review. *See id.* at Ex. 8 thereto.
16. When Pierce interviewed, IPSO was well aware of the incident that led to his termination from the Abbeville Police Department. *See, e.g.,* Ex. 1, Pierce Aff., at ¶ 5 and Ex. B thereto (Audio Recording: Interview of William Pierce, 2:30-3:30 (March 27, 2012)).
17. At the beginning of his interview, Pierce was questioned specifically about the circumstances of his termination from the Abbeville Police Department. *See id.* The interviewer informed Pierce that he "wasn't troubled by it." *Id.* at 2:55.
18. In addition to the information that Pierce provided and any information that may have been uncovered during the background check, IPSO employed other former members of the Abbeville Police Department at that time and they were asked about the incident that led to Pierce's termination. *See id.* at 2:30-3:30.
19. Pierce's PAR was approved by both Captain Boudreaux and Sheriff Ackal. Ex. 3, LeJeune Dep., Ex. 3 thereto.
20. Pierce was informed he had been approved for hire pending a medical examination. Ex. 1, Pierce Aff., at ¶ 6.
21. Pierce undertook the required examination at Teche Occupational Medical Clinic on April 11, 2012. *Id.*

22. Pierce explicitly noted on the pre-exam forms he completed that he is living with HIV.

Id.

23. After completing the medical exam—and with full knowledge of Pierce’s HIV status—the healthcare provider stated there were “no significant abnormalities or medical findings” and that Pierce was medically qualified to perform all essential duties of his position without accommodation. Ex. 1, Pierce Aff., at Ex. C thereto; *see also* Ex. 4, Broussard Dep., pp. 26:22-27:10.

24. As was the practice of the healthcare providers at the Teche Occupational Medical Clinic, they nonetheless informed IPSO as part of the medical exam results that Pierce had tested positive for HIV. *See* Ex. 3, LeJeune Dep., Exh. 6.

25. IPSO’s Human Resources Director, Tessie LeJeune, brought this to the attention of Defendant Ryan Turner and Chief Richard Hazelwood on April 16, 2012. Ex. 3, LeJeune Dep., pp. 80:4-82:5.

26. On April 18, Turner informed LeJeune that Pierce would not be hired and asked her to send a letter to Pierce informing him of the decision. LeJeune Dep., pp. 81:2-83:4; *see also* Pierce Aff., at Ex. D thereto.

Dated: November 23, 2018

Respectfully submitted,

/s/ J. Dalton Courson

J. Dalton Courson, La. Bar No. 28542

dcourson@stonepigman.com

STONE PIGMAN WALTHER WITTMANN L.L.C.

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Anthony C. Pinggera, admitted pro hac vice
apinggera@lambdalegal.org
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
4221 Wilshire Blvd., Suite 280
Los Angeles, CA 90010
Telephone: (213) 382-7600
Facsimile: (213) 351-6050

COUNSEL FOR WILLIAM PIERCE, PLAINTIFF

CERTIFICATE

I hereby certify that a copy of the above and foregoing Statement of Undisputed Facts in Support of Plaintiff's Motion for Partial Summary Judgment on Liability has been served upon all counsel of record by CM/ECF filing, this 23rd day of November, 2018.

/s/ J. Dalton Courson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

WILLIAM PIERCE,

Plaintiff,

VERSUS

SHERIFF LOUIS M. ACKAL, et al.,

Defendants.

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* CIVIL ACTION NO. 17-1365
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* JUDGE: UNDESIGNATED
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* MAGISTRATE JUDGE: HANNA
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STATE OF LOUISIANA

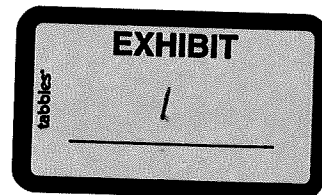
PARISH OF JEFFERSON

AFFIDAVIT OF PLAINTIFF WILLIAM PIERCE

I, William Pierce, hereby declare under penalty of perjury:

1. I have been living and working in Louisiana since 2005, when I came to the state to assist in the recovery in the wake of Hurricane Katrina. At that time I had over a decade of experience in public health and public safety from my time as a paramedic, emergency medical services (EMS) instructor, and HIV/STD educator in Ohio. In 2008, I began my law enforcement career as an officer in the Arnaudville Police Department. In 2009, I moved over to the Abbeville Police Department, where I remained until 2012. In 2015, I changed my last name from Proctor to Pierce.

2. At no point in my nearly fifteen years of experience as a police officer and paramedic has my status as a person living with HIV hindered me in any way from performing my duties.



3. On February 20, 2012, I applied for a deputy sheriff position with the Iberia Parish Sheriff's Office. At the time I applied for the position, I was living with HIV.

4. On my application form, I disclosed that I had previously been terminated from the Abbeville Police Department. A true and correct copy of the application that I completed is attached hereto as Exhibit "A."

5. I was invited to interview. During the interview I was asked questions by a panel of ranking members of the Iberia Parish Sheriff's Office. I was specifically asked during the interview about the circumstances of my termination from the Abbeville Police Department. I recorded the entire interview. An unedited copy of the recording is attached hereto as Exhibit "B."

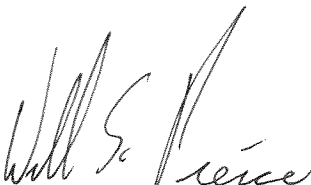
6. After interviewing, I was informed that I had been approved for hire pending a medical examination. I undertook the required examination at Teche Occupational Medical Clinic on April 11, 2012. I explicitly noted on my examination paperwork that I am living with HIV and have a history of a heart condition. True and correct excerpts of the examination paperwork are attached as Exhibit "C." I was deemed to be in good health and employable without accommodations.

7. Nevertheless, I subsequently received a letter from IPSO informing me that I would not be hired. A true and correct copy of the letter I received from IPSO is attached as Exhibit "D."

8. After receiving this rejection letter, I filed a complaint with the EEOC for disability discrimination. Attached hereto as Exhibit "E" is a true and correct copy of the right-to-sue letter I received from the United States Department of Justice.

9. All the foregoing is true and correct to the best of my knowledge.

Dated: November 21, 2018



William Pierce

Subscribed and sworn to before me,
this 21st day of November, 2018.



NOTARY PUBLIC

James Dalton Courson
State of Louisiana - Bar No. 28542
My commission is issued for life



Louis M. Ackal
Iberia Parish Sheriff's Office
Questionnaire for Employment

Iberia Parish Sheriff's Office is an equal opportunity employer. If applicable, reasonable accommodation under the Americans with Disabilities Act will be provided as required by law.

Position(s) Applied For:

Date: 2/20/2017

Deputy Sheriff

Full-time, Part-time

Name: Proctor William Steve
Last First Middle

Address: [Redacted] LaSayette, LA 70503
Number Street City/State/Zip

Telephone: 337-316-1941 (Home) 337-316-1941 (Cell)

Social Security Number: [Redacted]-6693 Email Address: Liamproctor@gmail.com

List other names that you are known by: Liam, Doc

If you have lived at the above address for less than 5 years, enter other address(es) below

[Redacted] LaSayette LA 70503 (2/2006 - 4/2008)
[Redacted] New Orleans LA (10/2005 - 2/2006)
[Redacted] Highland Ohio (01/2001 - 10/2005)

Are you over the age of 21? (Minimum age for Patrol Deputy) YTS Yes/No

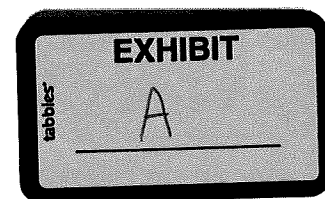
If not, are you over the age of 18? Yes Yes No No
(If under 18, hiring is subject to verification of minimum legal age)

Do you possess a valid Driver's License? ✓ Yes _____ No

Driver's License No. [Redacted] State Louisiana

Have you ever been arrested? ✓ Yes _____ No

Have you ever been convicted? _____ Yes _____ No Dismissed 1st offender



If you answered yes to the last two questions, please give a brief description below:

In 1995 Ohio became a shall issue state. So (CCU) permits.
I had 4 drinks with dinner & a show over 3-4 hrs. at this time
Weapon was locked in vehicle. Upon returning to vehicle I retrieved weapon.
On the way home my friend who was driving was stopped. I advised officers
 (Note: No applicant will be denied employment solely on the grounds of conviction of a criminal offense, my weapon was in my
 The date of the offense, the nature of the offense, including any significant details that affect the holster. I was never given
 description of the event, and the surrounding circumstances and the relevance of the offense
 to the position applied for may, however, will be considered.)

Have you ever filed an application with IPSO before? Yes/No

If yes, when? 11/3/00%

Type of employment desired: Full Part-Time Temporary

Will you be available to work any shift - day, evening or night? Yes/No

Date that you will be available to work. Now

Are you a member of any online Social Networking sites? yes Yes/No

If yes, please complete and sign Consent to Access Personal Internet Web Page form.

Can you operate a computer? Yes No

List software programs with which you are proficient? word, powerpoint, Dispatch I/E Reports

List the dates (month and year) and branch for all ACTIVE DUTY military service.
 Was this service performed on an active, full-time basis with full pay and allowance?
 (Check YES or NO for each period of service.)

From	To	Branch of Service	Yes	No

Education:

High School:

School name: Burlington County H.S.

School address: 20 Pickett DR

School city, state, zip: Mt. Holly NJ 08060

Number of years completed: 4 Did you graduate? or

Degree / Diploma earned: HS Diploma

If you did not graduate, do you have a G.E.D.? Yes No

College / University:

School name: Cuyahoga Community College
 School address: 2900 Community College Dr
 School city, state, zip: Cleveland Ohio
 Number of years completed: 1.5 Did you graduate? Y or N
 Degree / Diploma earned: EMT-B, EMT-IF, EMT-Paramedic

Vocational School:

School name: Academy Law Enforcement Training Academy
 School address: 111 S. St Antonio St. L
 School city, state, zip: Lafayette LA 70501
 Number of years completed: 10 weeks Did you graduate? Y or N
 Degree / Diploma earned: Louisiana P.O.S.T.

Work Experience:

(Give a complete employment history. Add additional pages, if necessary.)

Employer/Company Name <u>Abbeville Police Department</u>			
Street Address <u>304 Charity St.</u>		Job Title <u>Police Officer</u>	
City and State <u>Abbeville LA 70510</u>		Beginning Salary	Ending Salary <u>\$32,666.58</u>
Dates of Employment (mo/dy/yr) From <u>6/18/09</u> to <u>2/14/12</u>	Hrs worked per week <u>40+</u>	Reason for Leaving <u>Terminated (can explain & show IA documents)</u>	
Name/Title of Supervisor <u>Lester Legatte 337-303-0758</u>			

Employer/Company Name <u>Lafayette General Hospital</u>			
Street Address <u>1714 Coolidge Ave</u>		Job Title <u>Part-time EMT Tech</u>	
City and State <u>Lafayette LA 70501</u>		Beginning Salary <u>\$9.58 per/hr</u>	Ending Salary <u>9.58 + shift diff</u>
Dates of Employment (mo/dy/yr) From <u>4/1/10</u> to <u>5/11/2011</u>	Hrs worked per week <u>20-30</u>	Reason for Leaving <u>Conflict with P.A.</u>	
Name/Title of Supervisor <u>Troy Andrepont 337-289-7991 ext. 2367</u>			

Employer/Company Name Arnaudville Police Department		
Street Address 107 Ave Descausiers St		Job Title Police Officer
City and State Arnaudville LA		Beginning Salary 10.75 HR
		Ending Salary 10.75 HR
Dates of Employment (mo/dy/yr) From 12/1/2006 to 6/29/2009	Hrs worked per week 40+	Reason for Leaving Position opened at Abbeville Police Department
Name/Title of Supervisor Richard Mizzi		

Employer/Company Name Safety Management System		
Street Address 2916 N. University Ave		Job Title Onshore Paramedic
City and State Lafayette LA 70501		Beginning Salary
		Ending Salary 75,000 ^{RS} - 85,000 ^{YS} YR
Dates of Employment (mo/dy/yr) From 11/10/05 to 11/1/2006	Hrs worked per week 40+	Reason for Leaving Law enforcement
Name/Title of Supervisor Carl Angus 800 252 5522		

Employer/Company Name Arenal The Clock Home Care		
Street Address P.O. Box 71		Job Title Program Coordinator
City and State Painesville Ohio 44077		Beginning Salary
		Ending Salary 25,000 ^{YS} YR
Dates of Employment (mo/dy/yr) From 01/1/2005 to 9/1/2005	Hrs worked per week 20-30	Reason for Leaving Took vacation time to respond to platinum victims
Name/Title of Supervisor Roseanna Lonsway		

Employer/Company Name School of EMS Cleveland Clinic		
Street Address 18901 Lakeshore Blvd		Job Title EMS Instructor
City and State Englewood Ohio 44119		Beginning Salary
		Ending Salary 35,000 ^{YS} YR
Dates of Employment (mo/dy/yr) From 1/1/2002 to 11/1/2002	Hrs worked per week 40+	Reason for Leaving End of Contract
Name/Title of Supervisor Sim Brookshire		

Are you able to perform the essential functions of the job for which you are applying, either with or without reasonable accommodation? Yes No
(Note: The Iberia Parish Sheriff's Office complies with the ADA and will consider reasonable accommodation measures that may be necessary for eligible applicants and employees to perform essential functions. It is possible that an applicant may be tested on skill and/or agility and will be subject to a medical examination and evaluation conducted by a medical professional.)

References:

Give three references that are not former employers whom we may contact:

Name: <u>Colt Landry</u>	Phone: <u>337-591-1854</u>
<u>Ryan Battle</u>	<u>337-303-6366</u>
<u>Dorothy Battles</u>	<u>440-554-5469</u>

READ THE FOLLOWING STATEMENTS CAREFULLY BEFORE SIGNING THIS APPLICATION:

AUTHORITY TO RELEASE INFORMATION: I consent to the release of information concerning my capacity and/or all aspects of prior job performance by employers, educational institutions, law enforcement agencies, and other individuals and agencies to duly accredited investigators, personnel technicians and other authorized employees of the Iberia Parish Sheriff's Office, for the purpose of determining my eligibility and suitability for employment.

I certify that the statements made on this application and any attached papers are true and complete to the best of my knowledge. I understand that information on this application may be subject to investigation and verification and that any misrepresentation or material omission may cause my application to be rejected, my name to be removed from the eligible register, and/or subject me to immediate discharge, if discovered at a later date.

I understand and acknowledge that unless otherwise defined by applicable law or written agreement with the Iberia Parish Sheriff's Office, any employment relationship with Iberia Parish Sheriff's Office is considered "employment at will." This means that the Employee may resign at any time and that the Employer may discharge the Employee at any time, with or without cause, and with or without advance notice.

I HAVE READ, UNDERSTAND, AND AGREE TO THE ABOVE STATEMENTS.

DATE: <u>2/23/2012</u>	Signature of Applicant: <u>[Handwritten Signature]</u>
------------------------	--

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

William Pierce
Plaintiff

Civil Action No. 17-1365

vs.

Judge Undesignated

Louis M. Ackal, et al.
Defendant

Magistrate Judge Hanna

NOTICE OF MANUAL ATTACHMENT

ATTACHMENTS TO: Motion for Partial Summary Judgment

DESCRIPTION: Audio Recording

FILED BY: Plaintiff William Pierce

FILE DATE: November 23, 2018

*****NOTICE*****

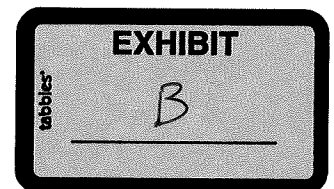
The attached document is an *original* manual attachment that could not be converted into PDF and uploaded to CM/ECF. A PDF version of this notice should accompany the related e-filing as an attachment.

The original manual attachment will be maintained in the division of the presiding judge until expiration of appeal delays.

Chambers Personnel: When finished reviewing the manual attachment, please return to the Clerk's Office.

Attachment sent to LAFAYETTE DIVISION.

Prepared by: _____



PART A - MEDICAL HISTORY

Please print. All information is to be filled in by enrollee and taken to physician's office.

Social Security # [redacted] - 6693
Name William Procter
Date of Employment
Duties Patrol Officer

Parish Iberia
 Male Female
 Single Never married
 Married Divorced Widowed
 Petition for divorce Date (MM/DD/YYYY)

THE FOLLOWING STATEMENTS MUST BE READ, SIGNED BY THE ENROLLEE, AND NOTARIZED:

I certify that all information that I provide is accurate and complete. I understand that any misrepresentation or failure on my part, intentional or unintentional, to fully disclose any information may be grounds for disqualification or discharge from employment and denial of benefits from insurance coverage and the Sheriffs' Pension Fund. I am aware that if I do not provide a full and accurate disclosure of all information requested, or intentionally make any false statements with respect to my application and the enrollment process, I may be guilty of perjury and/or false swearing and subject to prosecution therefore.

I agree to all examinations and tests deemed necessary and authorize any medical information to be furnished that the employer, the insurer, or the Sheriffs' Pension Fund shall deem necessary. I understand that all medical information provided to the Sheriffs' Pension Fund will be maintained in a confidential manner and will be used only by the Board of Trustees and appropriate Pension & Sheriff's Office staffs for making determinations with respect to preexisting conditions or application for disability benefits. I understand that I will be required to sign an exclusion of preexisting conditions, thereby disqualifying me from retirement benefits based upon that condition(s).

I understand that if the enrollment process is not completed within six (6) months from the date of my employment, vesting for disability benefits will not begin until the enrollment process has been completed.

[Signature]
Signature of Enrollee

Sworn and subscribed before me this _____ day of _____

Notary Public

Parish Sheriff's Office

HAVE YOU EVER BEEN: Mark an X in the space to indicate yes.
Rejected/discharged for medical reasons for:

Military Service? Employment? Insurance policy or rated? Membership in SPF?

EXPLAIN ANY ITEMS CHECKED *NONE*

TO DETERMINE PREEXISTING CONDITIONS, HAVE YOU EVER HAD A WORK-RELATED INJURY? Yes No

If yes, give date and explain *July 2011 - broke @ arm*

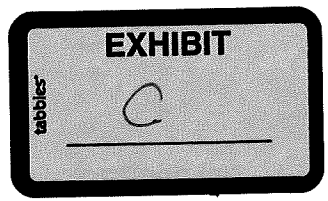
MEDICINES - Mark an X in the space to indicate medicines you have ever taken or are now taking

Now	Past	Now	Past	Now	Past
		<input checked="" type="checkbox"/>			
Blood Thinners		Heart Medicine		Sedatives	
Cortisone-type Drugs*		Blood Pressure Medicine		Tranquilizers	
Steroids*		Insulin		Other Medications	
Dilantin/Anticonvulsants					

★ Specify reason for use of the medication(s).
2 MI's Dec 2003 & May 2004 - Bystole 5mg 1 per day
List dosage and frequency of medicines you are currently taking

List medicines you are allergic to *NONE*

Examining Physician's Initials *HS*



LIFETIME HEALTH HISTORY: MARK AN X IN THE SPACE NEXT TO ANY OF THE FOLLOWING TO INDICATE YOU NOW HAVE OR HAVE EVER HAD:

- | | | |
|---|---|---|
| <input type="checkbox"/> Arthritis | <input type="checkbox"/> Injury | <input type="checkbox"/> Stomach trouble |
| <input type="checkbox"/> Asthma | <input type="checkbox"/> Kidney trouble | <input type="checkbox"/> Stomach ulcer |
| <input type="checkbox"/> Back trouble | <input type="checkbox"/> Leukemia | <input type="checkbox"/> Stroke |
| <input type="checkbox"/> Bleeding from rectum | <input type="checkbox"/> Liver trouble | <input type="checkbox"/> Surgery (indicate type) |
| <input type="checkbox"/> Blood in stool | <input type="checkbox"/> Lung trouble | <input type="checkbox"/> Thyroid trouble |
| <input type="checkbox"/> Blood pressure problems | <input type="checkbox"/> Migraine headaches | <input type="checkbox"/> TMJ trouble |
| <input type="checkbox"/> Cancer (Indicate type) | <input type="checkbox"/> Multiple Sclerosis | <input type="checkbox"/> Too much sugar in system |
| <input type="checkbox"/> Carpal tunnel syndrome | <input type="checkbox"/> Muscular Dystrophy | <input type="checkbox"/> Tuberculosis |
| <input type="checkbox"/> Diabetes | <input type="checkbox"/> Muscular weakness | <input type="checkbox"/> Varicose veins |
| <input type="checkbox"/> Emphysema | <input type="checkbox"/> Osteomyelitis | <input type="checkbox"/> Venereal disease (indicate type) |
| <input type="checkbox"/> Epilepsy | <input type="checkbox"/> Paralysis of a body part | <input type="checkbox"/> Vomiting blood |
| <input type="checkbox"/> Encephalitis | <input type="checkbox"/> Polio | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Glaucoma | <input type="checkbox"/> Positive TB Test | |
| <input checked="" type="checkbox"/> Heart trouble | <input type="checkbox"/> Rheumatic Fever | |
| <input type="checkbox"/> Hematuria | <input type="checkbox"/> Seizures | |
| <input type="checkbox"/> Hepatitis | <input type="checkbox"/> Sickie Cell Anemia | |
| <input checked="" type="checkbox"/> HIV | <input type="checkbox"/> Spinal meningitis | |

MENTAL HEALTH - Have you ever been **tested or treated** for: Mark an **X** in the space to indicate yes.

- | | | | |
|-------------------------------------|--------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Anxiety | <input type="checkbox"/> Nervousness | <input type="checkbox"/> Schizophrenia | <input type="checkbox"/> Insomnia |
| <input type="checkbox"/> Depression | <input type="checkbox"/> Paranoia | <input type="checkbox"/> Stress | <input type="checkbox"/> Other |

WOMEN ONLY

Date of last Pap smear: _____ Date of last mammogram: _____

Results: _____ Results: _____

USE THE SPACE PROVIDED BELOW TO EXPLAIN ITEMS CHECKED IN HEALTH AND MENTAL HISTORY. GIVE COMPLETE DETAILS; INCLUDING ALL ACCIDENTS, ILLNESSES, INJURIES, SURGERIES, HOSPITALIZATIONS.

DATES	PHYSICIAN	REASON / CAUSE	TREATMENT RECEIVED	OUTCOME

PHYSICIANS - Include name, address, and phone number of physician(s) for the last 10 years.

Smokeless tobacco <i>1/2 can per day</i>	Now <input checked="" type="checkbox"/> Past <input type="checkbox"/>	Now <input type="checkbox"/> Past <input type="checkbox"/>
TOBACCO		
Use tobacco in any form		Treated for tobacco-related condition <i>No No</i>
DRUGS		
Illegal use of controlled drugs		Treated for drug problem <i>No No</i>
ALCOHOLIC BEVERAGES		
Use alcoholic beverages of any kind <input checked="" type="checkbox"/>		Treated for alcohol problem <i>No No</i>

Examining Physician's Initials *WJM*

PART B - PHYSICAL EXAMINATION

Enrollee's Name William Proctor Parish Iberia

PHYSICAL EXAMINATION - To be completed by physician performing examination. Indicate **every** item which is not within normal limits by placing an X in space provided. Male and female enrollees must have Genitourinary, Breast and Rectal Exam.

I. GENERAL

Posture
Gait

II. SKIN

Color
Texture
Sweaty
Scars
Eruptions
Ulcers
Petechiae

III. HEAD

Shape
Hair
Masses
Tenderness
Bruit
Sinus

IV. EARS

External
Pinna
Canal
Drum

V. EYES

Muscles
Lids
Sclera
Conjunctivae
Cornea
Pupils
Fundi
Macula
Disk
Arteries
Veins
Exudate

VI. MOUTH/THROAT

Lips
Breath
Mucosa
Dentures
Teeth
Tongue
Gingiva
Floor

Palate
Pharynx
Tonsils
Larynx

VII. NOSE

Septum
Obstruction
Mucosa
Sinus

VIII. NECK

Thyroid
Trachea
Veins
Masses
Bruit
Carotid
Spine
Range of Motion

IX. LUNGS

Expansion
Breath Sounds
Rales
Wheezes
Rubs
Rhonchi
Respiratory rate

X. HEART

Rate
Rhythm
Thrills
Rubs
Murmurs
Gallops

XI. BREASTS

Nodes
Discharge
Nipple
Areola
Symmetry
Consistency
Scars
Masses
Implants

XII. ABDOMEN

Contour

Tenderness
Masses
Hernia
Liver size cm
Liver edge
Smooth
Irregular
Nodular
Spleen size
CVA tenderness
Rebound

XIII. FEMALE GENITO-URINARY

Labia
Clitoris
Bartholin's gland
Urethra
Perineum
Introitus
Vagina
Cervix
Uterus
Adnexa
Cul-de-sac
Discharge

XIV. MALE GENITO-URINARY

Penis
Meatus
Epididymis
Varicocele
Testicles
Discharge
Hernia
Prostate
Scars

XV. RECTAL

Anus
Sphincter
Hemorrhoids
Mucosa
Masses
Pilonidal
Fissure

XVI. NEUROLOGIC

Grasp
Plantar

Biceps
Triceps
Knee
Ankle
Romberg
Babinski
Coordination
Tremor
Vibratory
Cranial Nerves
Sensory

XVII. MUSCULOSKELETAL

Shoulder
Arm
Elbow
Radial Pulse
Wrist
Hand
Fingers
Fingernails
Spine
Kyphosis
Lordosis
Scoliosis
Hip
Leg
Knee
Ankle
Foot
Pedal pulse
Toes
Toenails
Joints

XVIII. EXTREMITIES

Clubbing
Cyanosis
Edema
Veins
Stasis
Ulceration
Hair distribution

XIX. EMOTIONAL

Speech
Affect
Orientation
Memory

(Continued on reverse side)

HS

Height 69" Weight 179# Temperature 98.1°
 Blood Pressure 110/70 If 140/90 or above, recheck in 5 minutes
 Resting Pulse 76
 Vision Uncorrected RE 20/30 LE 20/20 Both 20/20 Corrected 9/9 Depth perception Normal
 Hearing (20 feet) >20' Note any hearing impairment R L
 Vision R 85 L 85

LABORATORY INFORMATION - Attach Reports

CBC

Chemistry panel including lipid & liver panels (fasting)

Routine urinalysis Specific gravity 1.010
 sugar neg Blood neg Protein neg
 Urine drug screen - To include amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, opiates, phencyclidine

Indicate Results and Attach Reports

VDRL

TB Skin Test (If positive, submit chest x-ray report)

HIV

HemmoCult

Remarks on laboratory results

List every item that needs explanation from enrollee's history, physical examination and laboratory results.

PROBLEM	PLAN
Post. CAD.	Enroll in exercise program - has regular exercise / stress test

From your examination of William Proctor, do you consider enrollee to be in good physical and mental condition and capable of performing duties with no limitations? yes
 With limitations or with deficiency? no Disapproved? no

List deficiencies or reasons for disapproval

This examination and resulting information truly depict the condition of this enrollee on the 11/14 day of April, 2012. I attest that I have reviewed examination and laboratory results with this enrollee.

Examining Physician's Signature H. Broussard, P.A.C.

HAROLD J. BROUSSARD, JR., P.A.C.
 Typed or Printed Name of Physician DEE000139



LOUIS ACKAL
SHERIFF
EX-OFFICIO
TAX COLLECTOR
IBERIA PARISH

300 IBERIA STREET, SUITE 120
NEW IBERIA, LOUISIANA
70560-4543
(337) 369-3714
FAX: (337) 365-5582

Mr. William Proctor
[REDACTED]
Lafayette, La 70544

April 18, 2012

Mr. Proctor,

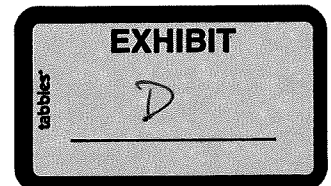
Thank you for seeking employment with the Iberia Parish Sheriff's Office. This letter is to inform you that we are not prepared to offer you a position at this time. Your application will be kept on file for consideration for future openings for a period of six months.

I wish you well in your future endeavors.

Respectfully,

Capt. Ryan Turner
Human Resources Director

RPT/psd



PIERCE000170



U.S. Department of Justice
Civil Rights Division

Disability Rights Section - NYA
950 Pennsylvania Ave, NW
Washington, DC 20530

JUL 26 2017

DJ# 205-33-0

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William Proctor
[REDACTED]
Venice, LA 70091

Re: EEOC Charge Against: Iberia Parish Sheriff Department
EEOC No.: 461-2013-00130
DJ#: 205-33-0

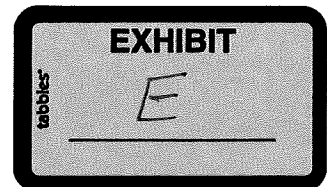
Dear Mr. Proctor

NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

It has been determined that the Department of Justice (the Department) will not file suit on the above-referenced charge of discrimination that was referred to us by the Equal Employment Opportunity Commission (EEOC). This should not be taken to mean that the Department has made a judgment as to whether or not your charge is meritorious.

You are hereby notified that conciliation on your case was unsuccessful by the EEOC. You are further notified that you have the right to institute a civil action under Title I of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12111, et seq., against the above-named respondent. If you choose to commence a civil action, such suit must be filed in the appropriate court within 90 days of your receipt of this Notice.

Therefore, if you wish to pursue this matter, you should consult an attorney at your earliest convenience. If you are unable to locate an attorney, you may wish to contact the EEOC or apply to the appropriate court, since that court may appoint an attorney in appropriate circumstances under Section 706(f)(1) of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(f)(1), referenced in Section 107(a) of the ADA, 42 U.S.C. § 2117(a).



We are returning the files in this matter to EEOC's District Office. If you or your attorney, have any questions concerning this matter or wish to inspect the investigative file, please address your inquiry to:

Keith T. Hill
District Director
Houston District Office
Equal Employment Opportunity Commission
Mickey Leland Building
1919 Smith Street, 7th Floor
Houston, Texas 77002

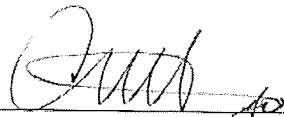
Enclosed you will find a list of state resources and a Notice of Rights under the ADA Amendments Act of 2008 (ADAAA).

We are forwarding a copy of this Notice of Right to Sue to the Respondent in this case.

Sincerely,

T.E. Wheeler, II
Acting Assistant Attorney General

BY: _____



Amanda Maisels
Deputy Chief
Disability Rights Section

Enclosure:

Louisiana State Resources
Notice of Rights under the ADAAA

cc: Iberia Parish Sheriff Department
EEOC- Houston District Office

LOUISIANA

Independent Living Centers

Southwest Louisiana Independent Center
4320 Lake Street
Lake Charles, LA 70605
(337) 477-7194 (Voice)
(337) 477-7196 (TTY)
<http://slic-la.org/>

Resources for Independent Living
2001 21st Street
Kenner, LA 70062
(504) 522-1955 (Voice/TTY)
(877) 505-2260
<http://www.noril.org/>

New Horizons Independent Living
Center, Inc.
8508 Line Avenue, Suite D
Shreveport, LA 71118
(318) 671-8131 (Voice/TTY)
(877) 219-7327
<http://www.nhilc.org/>

Independent Living Council of Louisiana
1201 North 3rd Street, Suit G-219
Baton , Rouge LA 70804
(225) 219-7553 (Voice)
(225) 219-7550 (TTY)
(800) 579-5611

Southwest Disability ADA Center
Independent Living Research Utilization
1333 Moursund Street
Research Building, 2nd floor
Houston, TX 77030
(713) 520-0232 (Voice/TTY)
(800) 949-4232 (Voice/TTY)
<http://www.southwestada.org/>

Protection & Advocacy

The Advocacy Center
8325 Oak Street
New Orleans, LA 70118
(504) 522-2337
(800) 960-7705 (in state only)
<http://www.advocacyla.org/>

Vocational Rehabilitation Agency

Louisiana Rehabilitation Services
P.O. Box 91297
Baton Rouge, LA 70821
(225) 219-2225
(800) 737-2959

Client Assistance Program

The Advocacy Center
8325 Oak Street
New Orleans, LA 70118
(504) 522-2337
(800) 960-7705 (in state only)
<http://www.advocacyla.org/>

Agency for the Visually Impaired

Blind Services
Department of Social Services
LA Rehabilitation Services
8225 Florida Boulevard
Baton Rouge, LA 70806
(504) 925-4131
(504) 925-3594
http://www.laworks.net/WorkforceDev/LRS/LRS_BlindServices.asp

Agency for Persons Who Are Deaf and Hard of Hearing

LA Commission for the Deaf
628 North Fourth Street, 5th Floor
Baton Rouge, LA 70802
(225) 219-2404 (Voice)
(800) 256-1523 (Voice)
<http://new.dhh.louisiana.gov/index.cfm/page/318>

NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA): The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

“Actual” disability or a “record of” a disability (note: if you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability):

- **The limitations from the impairment no longer have to be severe or significant for the impairment to be considered substantially limiting.**
- **In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), “major life activities” now include the operation of major bodily functions, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.**
- **Only one major life activity need be substantially limited.**
- **With the exception of ordinary eyeglasses or contact lenses, the beneficial effects of “mitigating measures” (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) are not considered in determining if the impairment substantially limits a major life activity.**
- **An impairment that is “episodic” (e.g., epilepsy, depression, multiple sclerosis) or “in remission” (e.g., cancer) is a disability if it would be substantially limiting when active.**
- **An impairment may be substantially limiting even though it lasts or is expected to last fewer than six months.**

“Regarded as” coverage:

- **An individual can meet the definition of disability if an employment action was taken because of an actual or perceived impairment (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).**
- **“Regarded as” coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment it to be substantially limiting.**
- **The employer has a defense against a “regarded as” claim only when the impairment at issue is objectively BOTH transitory (lasting or expected to last six months or less) AND minor.**
- **A person is not able to bring a failure to accommodate claim if the individual is covered only under the “regarded as” definition of “disability.”**

Note: Although the amended ADA states that the definition of disability “shall be construed broadly” and “should not demand extensive analysis,” some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability. For more information, consult the amended regulations and appendix, as well as explanatory publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

LIAM PIERCE – JOB INTERVIEW AUDIO RECORDING TRANSCRIPTION

How are we doing?

Alright, good morning.

Jeremy Kelley(?)

Nice to meet you.

How you're doing, I'm _____ Fremin

Paul Venable (inaudible)

Have a seat.

My name is Scott Clostio

Nice to meet you.

Alright, you're on _____, _____ ?

That's correct sir.

You're close to _____ or Lafayette, it's a Lafayette address but Robert E Lee runs from _____

Yes sir, it does. It changes names once it crosses over the bridge. I live about a quarter mile before the bridge on the Lafayette side.

Okay.

Closer to East Broussard Road.

Okay.

In the little townhouses there.

I kind of heard about you. We have a couple of guys from Abbeville Police Department _____. I know you were involved in a shooting which was cleared.

Yes sir, I've got the dash cam, the video and the IEA investigation report.

I'm not even concerned with that. There was a policy violation within the department?

Yes sir.

Because there was a prisoner with you at the time of the incident, right?

EXHIBIT 2

Yes sir, I had two prisoners.

That's all I need to know. I'm not even gonna ask you about anything more in depth than that. I'm okay with it, I don't really have trouble with it. _____ in the case that you're challenging the Abbeville Police Department on that policy or no?

Yes sir, I do have an appeal filed.

Okay.

My intent is not to return working there, but I feel I have an obligation to stand up because they violated officer bill of rights as per civil service.

Okay.

No one has ever challenged them before and in my opinion I think City Council does things that are wrong and if they're not challenged they're going to continue the process and hurt other officers.

How long did you stay with Abbeville – three years?

Almost. I was there about 2 ½ years.

Who was your lieutenant?

My lieutenant was Lester Lu...

Lester Luquette?

Yes sir – awesome lieutenant.

[Laughter] . . . he must've changed . . . [laughter] . . .

I know all those people from Abbeville . . . [laughter] . . .

Luquette? Waynesboro?

What do you think about Stan Suire?

Stan Suire is a good dude.

He's a good dude.

You're originally from Ohio?

I was born in Texas, raised in New Jersey, went to college in Ohio and lived there for 15 years; came here to help with the Katrina aftermath, was here for Rita as a volunteer, and uhh . . .

In the capacity of EMS?

EMS, yes sir. And then I worked in Rio, Brazil for about three years as an extended scope practice paramedic. I did everything from ear, noses, eyes to tummy infections to whatever – sutures, whatever they had on their visit – there was no helicopter, I mean if you can get a helicopter in Brazil, you really don't want to ride on it. And we were about 24 to 48 hours out from a port.

How did they get you guys out on that?

The rig would come in hopefully every two weeks.

We'd have a port of call hopefully.

Who were you working for when you came down to volunteer with Katrina?

I was working for at the time a not-for-profit organization called Around the Clock Homecare, which it was a part-time position. I ran a training center, American Heart Association training center, an EMS training center, also a disaster response group. The commission chose not to deploy the medical disaster response team because they hadn't heard from FEMA. I was told to wait before deploying the team and I waited for a week. They still didn't want to deploy. I couldn't watch it anymore. I called down to Baton Rouge just to get one of the volunteers.

Basically, you took it into your own hands, you and a friend of yours came down on your own without the support of the company you worked for and came help us out?

That's correct.

That's what I got from what I read. I just wanted to make sure that that was the case, and the State of Louisiana appreciates the help because we sought help from all over the world during that. We were some of the first ones there as well, and it was massive chaos.

Yes, it was.

So we appreciate that help. I was just curious as to what drove you to come and assist and apparently it was you that drove you to come and assist. That's good to know.

They fired me over the blackberry of the first week once they found out. I was okay with that but thought it was the right thing to do for the right reason at the right time.

They fired you for coming over here?

Yes sir.

You basically went AWOL, but I understand the grounds behind it. _____

Other than Abbeville, have you worked anywhere else in law enforcement?

Yes sir, I was an officer out at Arnaudville PD. I applied at Abbeville prior to being employed in Arnaudville. Arnaudville was short, Arnaudville hired me, I took the job because my heart was set on becoming a full time police officer even though I made \$75,000-80,000 a year in Brazil working six months out the year. I lost my mind – I wanted to become a police officer and Arnaudville called and I took it.

You definitely lost your mind!

Yeah . . . sigh.

You think you made a good decision by getting involved in law enforcement?

Absolutely. Law enforcement is not easy, but if it was easy everybody would do it.

Some people are still trying to do it because they think it's easy.

[Laughter]

Question _____

While I was off on administrative leave I was helping a reserve officer who wanted to go full time and she had to get into shape so I told her, I said well I'm off, I've got nothing to do, I'm waiting, I'm on admin leave if you want to get a membership at my gym we'll go work out; and one day I took her over to run at Girard Park and then we drove over to the hospital and I drove up to the top floor, walked down the steps. I said okay, now we have to run back up eight flights, and we went over to the gym, and she was like man, this isn't fair. I said well, if you want fair, stay home and bake cupcakes – there's nothing wrong with it – but if you want to be a police officer it's not fair and it's not easy.

Are you working anywhere now?

No sir, actually I just left um . . . actually if I'm a little bit late, I do apologize – I'm getting hungry so I went and interviewed at a security company. I need to pay a mortgage, my workman's comp has been denied by the city. I'm sorry, my unemployment's been denied by the city which means I have to challenge that but in the meantime that's gonna take however many more weeks and I've got bills to pay. My A/C just died, my iron died, I went to iron my shirt – the iron's not working for some bizarre strange reason; so I gotta work and if that means sucking up my pride and doing something that's less than what I'm qualified for I'll do what I gotta do to pay my bills and make a living.

Where are you with the paramedic credentials – are they still standing, or have they lapsed?

My state certification is valid; I maintained my ACLS, my Ohio paramedics cert is valid, I maintained my ACLS, I maintained my BLS. In order to get . . .

You maintained your National Registry?

No, in order to get my national registry all I have to do is take a refresher course and retest my skills.

Have you been out less than two years or is it three years with National Registry? Basically didn't submit the education units to recertify?

Right – and that was years ago when I was Ohio, Ohio was not a mandatory state at first.

To be certified by the National Registry?

Right, but to redo that all I have to do is a 48-hour refresher and I can take the National Registry again. But I maintain my Ohio cert because long as I have that Ohio cert it's easier to get registered and I don't have to re-attend the full course. I'll never let my medic go.

You shouldn't, and for a paramedic level how many do you continue now, 48, 60, somewhere around there?

Yes, I think it's actually up to 80 now.

80 now?

It's a good chunk, but there are numerous online programs for a medic, which is good.

So that's really not an option to go to work as a medic in the State of Louisiana right now with where it stands?

Right, that's correct. In my heart is law enforcement. I did EMS for numerous years. I've used my EMS skills in the performance of my law enforcement duties, but my heart is law enforcement. I did EMS for so long I was a blank? medic. I was a fire-fighter lieutenant paramedic. I was an instructor. I did urban EMS in the City of Cleveland; in my district we had this Zulu bike gang in the Hell's Angel's House.

So y'all had some work to do?

A little bit – a little bit.

Trauma was the word, not a whole lot of medical . . .

[Laughter] . . . we had a fair amount of trauma, that's for sure.

How long have you been in Louisiana?

I've been here since Katrina. I went home for – actually I was blessed – I returned home after Rita and I sat down and said gee, I have all these bills and no money to pay them, I gotta job in Louisiana to return to October 10, what the heck am I going to do . . . well that was Monday, and I'm like that's enough, I've had enough . . . I'm going to sit down and relax, I'll worry about this tomorrow. That night, my cell phone rings, it's a 504 number – that's New Orleans. I pick it up . . . hey, is this Liam? Yes sir . . . I don't know if you remember me, but my name is Bill, and you were one of the guys that inoculated the two busloads of people – I don't know if you remember. . . . Yes, it's kind of hard to forget walking up and down a bus inoculating everybody on the bus – because at that point we were vaccinating the workers and so forth. He said, hey listen – we got a doc and a nurse coming down here to do some vaccines for the next week, it's gonna be 14, 12 to 14 hour days every day . . . are you willing to come back to New Orleans and work for \$50 bucks an hour. Done! The next day I was back on a plane and the first three weeks I was a volunteer. The following fourth week I made enough money to pack up and move back to Louisiana. So, you do the right thing for the right reason at the right time, and my opinion is you get that 10 times back and that's what I did because I made a couple thousand dollars in one week, which is hard to do, and I got to go travel and see the world on someone else's dime and get paid to do it.

You don't have to answer this, but if you don't mind me asking, which security company did you apply with that you just interviewed for?

Inner Parish.

I'm not familiar with them.

Apparently they have several contracts over here in the area that work a lot of the casinos.

[Talking. laughter]

What's the name of it? Inner Parish?

It's not my first choice, but . . .

You gotta make a living, you've gotta survive.

I've gotta make some money.

[Unclear . . .] How long you've been unemployed or terminated from Abbeville?

My termination was February 14 – Valentine's Day.

A month? Are you married?

No. I've been trying to stretch everything I can. One of the reserve officers, he happened to call me up, well he sent me a text message – hey B, when are you gonna rent me your extra room? Now!! [laughter] So I got another officer, actually he's applying to UL part-time, he's a CJ major who wants to go federal so he's renting my room.

Young guy?

Yes – 18. I told him, I said if you want to do federal, apply soon.

_____ early age – get that degree first and then apply.

I gotta teach him to clean the dirty dishes though!

Where are you from in Ohio?

Cleveland area. I lived in Cleveland proper for numerous years. I have friends in Columbus, I went to Columbus often. Youngsville, that's a dying city.

I'm from up there in Pittsburgh.

Where? Oh I love Pittsburgh, love Pittsburgh. Actually in Cleveland, that's their sister city. Matter of fact our union reps and supervisors would all go over to Pittsburgh stadium to see how many EMS guys called off and how many EMS and fire guys and police officers called in sick and were at the game in Pittsburgh.

[laughter] So the count was on!

Remember _____. Are you the gentleman that was charged with the carrying of a concealed firearm in Ohio?

Yes sir, I was.

Can you explain the circumstances surrounding that, aside from what's indicated in the application?

Absolutely. Early on in '94 or '95 is when Ohio became a shall issue state. After much thought I went and took the class, I got licensed. At the time the Ohio law was new as some agencies did not like it, a matter of fact a couple of agencies throughout the state, the sheriff or police chief in the area said that they would not allow that to happen and no one was allowed to carry in their city. The state had to come down and say no, you can't do that, but there was numerous people arrested, myself. The situation with that was the law said that you can't carry it into a drinking establishment. I agree 100%. I left my weapon, I went out for dinner and a movie over approximately 3-4 hours, left my weapon in a lock box in my trunk. I had a drink and a quarter, maybe, and this was with a meal. When I returned to my car, I felt I wasn't impaired, I reholstered my weapon. But the state law requires that any time that you're in a vehicle and the vehicle was pulled over 1) your weapon has to be in plain view, whichever side the officer walks up. So if you're left handed and the officer walks up on the right side of the car, you're carrying your weapon illegally. That's a prime example of how ridiculous the law was at the time. My friend who was driving had a traffic stop and one officer was on the driver's side and another office came up on the right side.

Well you're covered then, you're good. [laughter]

Although I was not addressed, I did what was proper. I rolled down my window, and said officer just to let you know I am a concealed weapons permit holder, my weapon is located on my right side, and I got spare magazines on my left. At that point in time he asked me if I had had anything to drink and I said yes sir I did, over dinner. They had me step out, they took control of my weapon, which is fine, I didn't have a problem with that. I did a standard field sobriety test, asked for a breathalyzer and they never gave me one. At the time in Ohio they had no specification for level of intoxication for a weapon. Therefore, it would have been a .08 like it is for '98. I asked for a breathalyzer, they never gave me one. Walked into the station, I was in there maybe 30 minutes and then they released me. They ended up releasing my weapon back to me. I had an attorney at the time, I listened to the attorney. I plead no contest to it, and they made it a first-time offender program, and I had no problems how it became dismissed. The weapon was never in my hand, I was not intoxicated, I followed what I was supposed to do. I mean had I done, had I kept my mouth shut, it would've never happened. Matter of fact the property officer, when the judge returned my weapon, said I've never returned a weapon in 20 years I've worked here, I've never returned a weapon to somebody, and I don't think I was intoxicated. I mean a drink and a ha... quarter maybe, over dinner 3-4 hours, I wasn't intoxicated; but I understand the officer's position. He was given a directive of the city, a mentor, here is one of the cities that were anti-gun, they didn't like the permits so anybody that had any inkling of a violation they were 15. And is it right? No – but that's a prime example of why I try to make

reasonable arrests. Just because somebody might or can be arrested doesn't mean they always should be arrested. So that's it, I wasn't out there being a cowboy with my gun with a beer in a hand shooting it off. I thought I was responsible, I locked it in my vehicle. And when I was done, I reholstered. That's what I did.

Thank you. Clears that up. I just got one more question. Your time that you spent in Abbeville, about how many arrests you made?

Oh God . . . numerous.

Put it to a number.

I'd have to say wild, guess, 3400 maybe? I mean, I arrest all . . .

What's that mean – . . . 2 ½ years?

Yes. I mean that's just a wild guess, I know I wrote a lot of tickets, I was in traffic for a while. My goal was about 5 or 6 tickets a day, whenever possible. I mean there are some people, I mean – I've actually, my policy was, if one person gets a break, then the next person I pull over gets smoked. Well, if that next person you pull over is a little old lady that has a bladder problem, she's on her way home, have a nice day ma'am, just try to slow it down. So I mean, I wrote a lot of tickets. But I'm very proactive. I come to work to work. I love night shift, I'm a night owl. I always answer calls, always pick up the radio, if I hear someone down, I go heading over, I like to work.

So you probably haven't worked the night shift in Abbeville?

We switch over there. My personal enjoyment is nights. I'd rather sleep all day and work all night. That's just my preference.

Okay, we'll make a note of it. There's probably one other question, the last question we would ask. I already made the note.

I'm a 10A kind of guy – I helped organize the bike patrol over there, which Abbeville has this great program. We were able to retrieve stolen bicycles and other items within a half hour of being reported. The bike team actually was able to catch people breaking into houses.

You could be a stealth, type of capacity, you know _____ rode a bike for a while, doing the same thing.

Oh yeah. This year I got a new 29er, I got a Rockhopper 29 specialized – man that thing would climb to Jesus with those big tires.

We still have the bikes, we just don't have the unit no more.

I heard about that. These things happen.

That's not true.

I didn't think it was [laughter]. But, I like to work.

Do you have any questions for us? Oh Kelly has a question I believe. Go ahead. You didn't, didn't you? No?

I didn't, I mean I can think of something if you want me to. What do you consider a busy night?

A busy night is – a night that you don't have time to eat, you barely have time to pee, and you're running low on coffee!

How many calls would you say – how many calls you average in one night?

A night? It varies, but I mean a busy night would be . . .

You personally – how many you handled?

Eight calls maybe? That's a busy night. I mean if you got eight reports to write that's a pretty busy night.

Over here you would average about 10-12 calls a night.

Awesome.

That's on a slow night.

Works for me! Works for me!! [laughter]

That's on a Monday – calls we'd go to, probably 20-30 calls that you'll go to, calls that you're assigned to maybe 10 or 12.

Awesome.

Calls that you would go to are probably a lot higher than that, and that's not including what you create on your own.

Awesome! I like to work. I mean, I'm going bonkers – as a matter of fact, one of the guys from Abbeville, he came over last night and we grilled up some pork chops and what not – I'm like man, I gotta start working. I said its killing me. I'm tired of not working – I mean now I go for 30-mile bike rides and then hit the gym because I'm bored, and that's with putting in applications and handling stuff, but I mean I like to work, I'm a worker. I'm the kind of guy that if you're short-handed and you call me up and say hey man, can you come in, 9 out of 10 times I'm hopping in the car and I'm coming. That's just the way I am.

Any disabilities that might affect the physical or anything like that? You seem to be a pretty healthy guy.

Very healthy guy. A few years back, I did have two heart attacks, but matter of fact I just had my yearly visit with the cardiologist. He looked at my stuff, he looked at the new test and he said wow, whatever the hell you're doing you keep it up. I actually reversed the heart muscle damage I had had from the heart attack.

It's supposed to be impossible to do that.

It's supposed to be impossible. He said I don't often see this, most people either stay the same or they [*in background* deteriorate] deteriorate. But I go to the gym, I eat a high protein diet, I workout. As a matter of fact, after the shooting instead of going home and grabbing a 6-pack which is really what I wanted to do, I dropped the uniform, put on gym clothes and I went and threw around the weights for a couple of hours. That to me is more extremely beneficial to me as opposed to a 6-pack of beer. Now, I'm not saying I don't like to have a beer or two every now and then but I'd rather be in the gym – it's not uncommon to find me in the gym Friday night or Saturday night. I try to hit the gym 4-6 days a week, and I'm not a big fan of running – if I run you're going to jail. But I love to ride bikes, my roommate and I – I got him into biking and we actually, May 5th we're going to go ride 62.5 miles for the Special Olympics, providing that I'm not employed somewhere working, and I'm waiting to hear back if I'm on the Tour de Force in September. Tour de Force is a 285-mile bike ride that this year it will be from Boston, Massachusetts to Ground Zero in New York over a four-day period. All proceeds go to the families of fallen officers. I just hope that they can find a slot for me. I'm waiting to hear.

They usually don't turn down anyone. Any other questions about anything from us?

What's the starting pay?

[inaudible] [static] So if you were hired, as soon as they get your verification paper work on post-pay, you'd receive post-pay every day to hire.

Awesome!

Then you'd get back pay for [inaudible]. Twenty-six pay periods.

And you guys have straight nights and straight days?

Yes.

That's awesome!

You'd have to get your letter of service from Abbeville and get your form [inaudible].

I'm sure that won't be a problem. The other chief, as far as I know, he's given me good references so far. That's a plus.

They do have overtime available, off-duty security available for \$___ an hour.

That was my main . . .

How's he giving you good references? _____ like that.

Well, he's just uh, he told one chief it was all politics; he said it was all politics. I don't know how that's possible, that they screw you on one side . . .

Did you ever find out who you were _____?

Yes – Jocarto Pitre (?). We knew that night, we just couldn't prove it. But the sheriff's office over there was able to put him in the car.

So what happened to him?

The grand jury returned a true bill for reckless operation of a vehicle and a no true bill for attempted murder.

Wow, who's his dad?

I forget his dad's name.

Mr. Pitre! [Laughter]

I'll betcha not! [Laughter]

Not necessarily! [Laughter].

Sounds like John _____'s kid.

Might be.

Might be going by his mama's name.

But – I mean, Jocarto, he's a thug. He runs a lot of dope and he's a coward. Matter of fact, the week after grand jury came back with everything, they 15'ed him on drug charges plus the warrant for wreckless op. I mean, grand jury – who knows what they're going to do. You can indict a ham sandwich, but . . .

It's all based on the information that's provided . . . you can give all kinds of information to the grand jury.

Yeah. Which, they actually, I was getting nervous. I was pacing, because they did both of our cases at the same time. It was actually kind of funny. One week I received a subpoena to testify on the state's behalf and then the next week I was sent a target letter. I'm like how is this supposed to work? But, they took 2½ hours to deliberate and I'm thinking what is this, the O.J. trial – come on really?

How long?

2½ hours. I was getting nervous – I mean, the thought of going to jail scares the living hell out of me. I like being on this side and to be a target of the grand jury and waiting 2½ hours to hear the verdict and you're thinking – oh my God, I might have to go over to the place that I know for a fact smells nasty, is nasty, and I've put some of those people in there – it is an uncomfortable feeling.

Who arrested on the warrant him for reckless operation?

Jason Hebert, I believe made contact with him and he came to the office and turned himself in.

The sheriff's office didn't arrest him that night?

No.

[inaudible]?

No.

Must've been snitching.

Probably.

[Laughter]

I think that's it, straight days, straight nights, state pay. If you choose to make me a part of your team, when would I expect to know?

That, I really can't answer, because we make our recommendations to the captain, he sends it to the sheriff, and then it's up to him.

I can tell you the last interviews that we did about a month ago, they were notified within three or four days.

Okay.

So, I'll give you an example. If we did them on a Thursday, I think everything was done, they were notified maybe the Monday afternoon.

Okay.

I'd say probably by Wednesday of next week you'll know something.

A week or two tops is usually is a fair bet. Just depends on how much stuff administration has going on to get it all approved.

I live in Lafayette – are take home units issued?

Long as 10-25 miles as the crow flies from the court house.

Okay, got that.

I think we have people farther than you and they fall within 25 miles.

You can get special permission if you 're like say 2-3 miles over, they may allow you or they may not – but you have to get special permission.

I should be within that 25.

Yeah, as they crow flies. You'd be surprised, you may be at 17 miles but when you start taking the road it ends up being 28 or 30, but we going to go by.....

You got a _____ report over here or you _____

Works for me. I'm fine with that. I like court _____. Then you get paid \$50 bucks.

You get paid on your check – you will get paid –

it's just a matter of when it comes on your check. That's another story. District Court you get paid. City court _____.

A little savings account. I just went to court on, it was actually entertaining and actually I was glad to be there. Actually I didn't even know I had court until I talked to Ryan Boutte. I just happen to call him up to bullshit with him and he goes, hey man you gotta be at court tomorrow. I said ummm -- I don't have a subpoena. Here Lafayette had stuffed the door hanger with a note – hey you have court tomorrow, you have court on such and such date. It was in the mail. It wasn't a subpoena or anything. So I called up the deputy and was like you have some subpoenas for me? I need those. But in any case, it was Raquel Fickland (?), she filed a false administrative complaint and . . .

_____ daughter.

Oh yeah – that's a piece of work right there. But she wound up getting convicted of filing a false administrative report on a police officer. That was beautiful. It was entertaining.

[Laughter]

Alright, thank you for your time. No other questions for me. I can tell you, I'm not a perfect officer, I never claimed to be, but I'm willing to learn and I'm willing to work. If you choose to bring me onto your team I'll do ya right.

This is a good phone number for you – 316-1941?

Yes sir. I've got voicemail too. I appreciate everything.

Nice to meet you.

Thank you.

[static]

I parked in the front.

[Static]

_____ soon hopefully.

Alright thank you.

[Static]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

WILLIAM PIERCE CIVIL ACTION NO. 17-1365

VERSUS

JUDGE: NOT DESIGNATED
SHERIFF LOUIS M. ACKAL,
ET AL
MAG. JUDGE HANNA

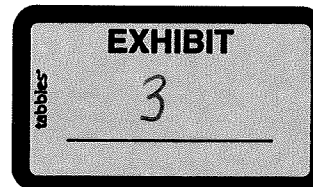
* * * * *

30(b)(6) DEPOSITION OF IBERIA PARISH SHERIFF'S
OFFICE, TESSIE LEJEUNE, WENDELL RABORN, AND
DICKIE FREMIN, AS REPRESENTATIVES

TAKEN FOR AND ON BEHALF OF PLAINTIFF
AT THE IBERIA PARISH SHERIFF'S OFFICE
300 IBERIA STREET
NEW IBERIA, LOUISIANA
ON TUESDAY, SEPTEMBER 18, 2018
BEGINNING AT 9:09 A.M.

REPORTED BY:
KRIS M. CARVER, CERTIFIED COURT REPORTER

PILANT, a Corporation of Certified Court Reporters
1-800-841-6863



1 look accurate?

2 A Yes, sir.

3 Q I had a few questions about this. In part
4 (b) it states that if the applicant is
5 rejected. This states, "the sheriff is
6 notified for his final decision." Do you
7 have an understanding as to what that
8 means, "The sheriff is notified for his
9 final decision"?

10 A Yes, sir.

11 Q What does that mean?

12 A They have a board. If you are P.O.S.T.
13 certified, which means if you would go on
14 patrol, then they have a board. Certain
15 people on the board meet and make up their
16 decision whether or not to hire that
17 person, if he's qualified or not. And then
18 they let -- they inform the sheriff, and
19 then the sheriff makes his decision if
20 whether or not they want to hire that
21 person or not.

22 Q Let's just walk through the process. So
23 part (a), the applicant turns in a
24 completed application, okay. That's the
25 first step, correct?

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1 him.

2 Q I want to turn on the next page where it
3 looks like the applicant is scheduled for a
4 physical examination which is required by
5 the Louisiana Sheriff's Pension and Relief
6 Fund, and a drug screen. At what point in
7 the process is the applicant scheduled for
8 a physical examination?

9 A Once I get the approval that they're going
10 to hire him.

11 Q Who do you receive that approval from?

12 A From that supervisor, whatever department
13 they are going to.

14 Q And at that point, the candidate is sent
15 for medical screening, correct?

16 A Yes, sir.

17 Q And then it says, "Upon completion of the
18 physical exam and drug screen, the
19 personnel department notifies the division
20 commander." So that would be -- you would
21 notify --

22 A Yes, sir.

23 Q -- the commander of the department for
24 which the applicant is applying, correct?

25 A Yes, sir.

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1 Q And then what's the next step of the
2 process?

3 A Once we receive back the physical, we give
4 that person a call and say they passed the
5 physical. We ask them -- because some
6 people like to give a two-weeks notice, so
7 we ask them when they're ready to come to
8 work for us, to let us know. If you want
9 to -- we understand you want to give your
10 two-weeks notice of your previous employ.
11 And then they'll -- some of them say no, I
12 can get started now, or I'll call you back.
13 And then we set up the appointment for them
14 to come in and do their paperwork with us.

15 Q The next line says that "The division
16 commander completes a Personal Action
17 Request." Is that completed before or
18 after they come in and complete their
19 paperwork with you?

20 A That is completed before, for their -- for
21 the request form that they send to us.
22 That's that form right there that you have
23 (indicating). It's another form. We
24 complete that one. It's another form that
25 we do now.

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MR. COURSON:

So I'm going to go ahead and mark
this as "Exhibit 3."

(EXHIBIT 3 IDENTIFIED)

BY MR. COURSON:

Q And this is the document the witness is
referencing, correct?

A Correct.

Q And can you just tell me what Exhibit 3 is?

A It's Personnel Action Request form.

Q Okay. And this is completed after the
medical screening, correct?

A That is completed before we send them to do
their physical.

Q Got it. Okay. So they -- this form is
completed and the sheriff signs it?

A The sheriff signs off on it and the
supervisor signs off on it.

Q And then they go for the medical screening?

A And then once they sign off on that, then
we contact them.

Q Let me just clarify your answer. So once
they sign off on that, you contact the --
who is --

A The only one that signs off on it is the

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1 that. The plaintiff at the time that he
2 applied for the job was Liam Proctor. He
3 now goes by the name -- the last name
4 "Pierce." So whenever I say "Mr. Proctor"
5 or "Mr. Pierce," I'm referring to the same
6 individual. Okay?

7 A Okay.

8 Q So the dates on Exhibit 3, it looks like
9 Sheriff Ackal signed 4/4/12, correct?

10 A That's correct.

11 Q And then what date did the chief sign?

12 A April 2.

13 Q And then what date did the supervisor sign?

14 A The 30th, March 30.

15 Q So if I understand your testimony from a
16 minute ago, the normal procedure would be
17 for the sheriff and the chief to sign. The
18 applicant would then be sent to the
19 physical exam. Assuming the applicant
20 passed the examination, then the supervisor
21 would sign. But is -- is that --

22 A The dates are off right here.

23 Q Okay.

24 A Chief -- we always get Chief to sign. He's
25 here every day. When the sheriff comes in,

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1 we get him to sign. And then whenever we
2 can catch that supervisor here, we'll get
3 him to sign.

4 Q Okay. If this form --

5 A That's how it happened back in the day.
6 I'm sorry.

7 Q If this form is signed by the supervisor,
8 the chief, and the sheriff --

9 A Yes, sir.

10 Q -- at that point is the candidate hired,
11 but for the medical exam?

12 A Except -- yeah, until we get the medical
13 exam back.

14 Q Okay. Would there be any other factors
15 considered in that applicant, but for the
16 medical exam?

17 A Yeah. Correct. We have to wait on the
18 medical exam to come back.

19 Q Anything besides the medical exam?

20 A No, sir.

21 Q Let's turn to topic seven.

22 MR. BAROUSSE:

23 Dalton, if I may, any questions I
24 have, do we want to do it in
25 conjunction with the topic, or can we

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1 A I'll get a phone call. Like, they have
2 some -- like every now and then I'll get a
3 phone call that their blood -- they had
4 blood in their stool. They'll do a stool
5 -- a stool sample and they'll have blood in
6 their stool and they'll call me and say,
7 "Tessie, this person has something. Doc's
8 not going to sign off on the paperwork.
9 They have to go see their regular doctor."
10 Once they go see the regular doctor, they
11 take that paper from their regular doctor
12 back to Teche. Once the Doc gets it, then
13 depending on what that doctor says, then he
14 signs off on it and we get it back.

15 Q Okay.

16 A That's how I know when somebody -- you
17 know, they'll call me and say so-and-so
18 needs to do a -- re-do it.

19 Q So you're not making the decision as to
20 whether to notify upper management, it's
21 you get a phone call from someone at Teche,
22 correct?

23 A Correct.

24 Q And then you take the information from
25 Teche, and what do you do with it?

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1 A I go meet Chief and the sheriff.

2 Q Okay. If you don't get a phone call from
3 Teche, then that applicant is hired?

4 A Once we receive it and go over everything,
5 yes, sir.

6 Q I'm going to move on to topic eight, which
7 is the compensation system. Do you have an
8 understanding as to which position Mr.
9 Pierce, Mr. Proctor, was applying for?

10 A I think it was patrol.

11 Q And what is the compensation for a patrol
12 officer? For example, pay and benefits?

13 MR. BAROUSSE:

14 Any time frame?

15 MR. COURSON:

16 Sure. During 2012 to 2013. Thank
17 you.

18 BY MR. COURSON:

19 Q So what was the pay for a patrol officer in
20 2012?

21 A 27,900.

22 Q And is that base pay?

23 A That is base pay. And if they're P.O.S.T.
24 certified, additional 6,000 annual for
25 P.O.S.T. pay which they would receive

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1 "Exhibit 6." Do you recognize this
2 document?

3 (EXHIBIT NO. 6 IDENTIFIED)

4 A (Reviews document.) Follow up with their
5 regular doctor.

6 Q Is this --

7 A This is part of theirs -- if they -- that
8 they do, you know. This come from Teche.

9 Q So would you receive a form --

10 A If I receive this form, I brought it to the
11 upper, because it says to follow up with
12 their regular doctor, because he's --
13 because his lab results.

14 Q Would you normally receive a form like this
15 from Teche?

16 A Yes, sir.

17 Q So if you received this form regarding Mr.
18 Proctor --

19 A Uh-huh (yes).

20 Q -- what would you have done?

21 A Brought it to Chief.

22 Q Do you have any recollection, specifically,
23 regarding what you did in this case?

24 A This -- when we got this back, we brought
25 this to Chief, and Chief got with Ryan, and

1 they sent him a letter.

2 Q So you took this document --

3 A I took this doc- -- I received this package
4 from Teche Occupational Medical Center.

5 Once we start reviewing everything and I

6 seen what he had, and they said to

7 recommend him to go see his -- follow up to

8 his doctor, then I brought it to the upper.

9 Q And so you brought this document to whom?

10 A To Ryan and Chief.

11 Q And when you say "Chief," who are --

12 A Chief Hazelwood, Richard Hazelwood, staff,
13 chief staff.

14 Q And then they made a --

15 A They --

16 Q -- determination --

17 A -- went to the sheriff with it, I would
18 imagine.

19 Q And did you have any further involvement in

20 the decision whether to -- with regard to

21 the processing of Mr. Proctor, Mr. Pierce?

22 A The only thing I was told was they wasn't
23 hiring him, and sent him a letter. That's
24 all I was told.

25 Q Who told you that?

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1 A Ryan, my supervisor, Ryan Turner.

2 Q Did Mr. Turner tell you why they weren't
3 hiring him?

4 A Just said send him a letter that we're not
5 hiring him, from the sheriff.

6 Q Was anyone else present for that
7 conversation?

8 A No, sir.

9 Q Do you recall the date of that
10 conversation?

11 A No, sir, I don't remember.

12 Q Let me show you the documents I'm marking
13 as "Exhibit 7." Do you recognize that
14 document?

15 (EXHIBIT NO. 7 IDENTIFIED)

16 A (Reviews document.) Yes, sir.

17 BY MR. COURSON:

18 Q Can you tell me what that document is?

19 A It's a form -- a letter that they -- that
20 we mailed out to him saying that there was
21 no position available for him at that time.

22 Q Would this have been sent after your
23 conversation with your supervisor?

24 A Yes, sir.

25 Q So the date of this Teche form is?

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1 A April 16, 2012.

2 Q Okay. And then the date of this letter is

3 --

4 A April 18.

5 Q So just to piece together the timeline, on

6 the 16th, you would have received this

7 information -- let me rephrase.

8 You received this information on April

9 16, right?

10 A Yes, sir.

11 Q You had a conversation with -- the name is

12 escaping me.

13 A Richard Hazelwood and Ryan Turner.

14 Q Do you know when they spoke with the

15 sheriff?

16 A I would say that day.

17 Q And then you were told by Mr. Hazelwood to

18 send this letter to Mr. --

19 A I was told by Ryan Turner.

20 Q Ryan Turner.

21 A Uh-huh (yes).

22 Q Okay. Mr. Turner --

23 A Yeah.

24 Q -- to sent this letter.

25 A Sent that letter.

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1 MR. BAROUSSE:

2 I think -- let me just double
3 check. Deputy Lejeune, that's all the
4 questions I have. Thank you.

5 MR. COURSON:

6 I have a few re-directs.

7 MR. BAROUSSE:

8 Okay.

9 RE-EXAMINATION BY MR. COURSON

10 Q With regard to the background checks, I'm
11 going to show you a document which I'm
12 marking as "Exhibit 8." Do you recognize
13 that document?

14 (EXHIBIT NO. 8 IDENTIFIED)

15 A (Reviews document.) Yes, sir.

16 Q Is this a document that reflects the
17 background, criminal background check that
18 was done for Mr. Pierce?

19 A Yes, sir.

20 Q When was this background check completed?

21 A On the 29th, February 29, 2012. That's
22 when we sent it out.

23 Q So when you say "we sent it out," that's
24 when you --

25 A Pam, that worked with me.

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1 Q Sent it to --

2 A Pamela Deville, she sent it out to Captain
3 Boudreaux on February 29, 2012, once the
4 background was completed. And this is his
5 background history stuff.

6 Q Is it the procedure of the IPSO to have the
7 sheriff sign off on the personnel action
8 request before the criminal background
9 check is completed?

10 A No, sir. We normally do that first.

11 Q Is it the procedure of the IPSO to have the
12 sheriff sign off on the personnel action
13 request before any issue with regard to
14 prior employment that's been investigated?

15 A Yes, sir.

16 Q Okay. So let me clarify.

17 A Okay.

18 Q Is the investigation of prior employment
19 completed before the sheriff signs this
20 form?

21 A We get the sheriff to sign the form if they
22 -- if that supervisor wants to hire them.
23 Then we go to Chief, get Chief to sign it,
24 then the sheriff signs it.

25 Q So when you do an investigation regarding

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1 prior employment that Mr. Barousse just
2 referenced, describe that process.

3 MR. BAROUSSE:

4 If you administer it. Start with
5 that.

6 A We get the application. Once we receive
7 the application, we fill out this form and
8 run their background. Once we get it back,
9 we put what's on their record right here
10 (indicating). And we'll check previous
11 employment, and then we'll send it out to
12 the supervisor. Once the supervisor gets
13 it, he notifies us.

14 BY MR. COURSON:

15 Q So if your investigation had revealed any
16 issue with prior employment, it will be
17 reflected on this form?

18 A Yes, sir.

19 Q And it's -- we're referencing Exhibit 8?

20 A Correct.

21 Q So that any investigation into an issue
22 with an applicant's prior employment is
23 part of the initial investigation that you
24 conduct, correct?

25 A Correct.

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1 Q And that investigation is completed before
2 you send it -- the background investigation
3 results to the supervisor, right?

4 A Yes, sir. It's completed.

5 Q And in that case, it was Captain Boudreaux,
6 correct?

7 A Ricky Boudreaux.

8 Q And that's all done before the sheriff
9 signs the personnel action request form?

10 A Yes, sir.

11 Q And that is all done before the applicant
12 is sent for a medical screening?

13 A Correct.

14 MR. COURSON:

15 That's all.

16 MR. BAROUSSE:

17 Thank you, Deputy.

18 THE WITNESS:

19 You're welcome.

20 MR. SCHOETTES:

21 Thank you.

22 THE WITNESS:

23 You're welcome.

24 (OFF THE RECORD AT 11:35 A.M.)

25 (BACK ON THE RECORD AT 11:38 A.M.)

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1 Q For the record, can you just read that a
2 loud.

3 A You're talking about the last paragraph?

4 Q The second -- the one that starts, "An
5 application will not be forwarded."

6 A "An application will not be forwarded nor
7 applicant interviewed at the division level
8 until the background investigation is
9 complete and the personnel officer has
10 verified the applicant's eligibility to be
11 hired and the initial investigation is
12 documented."

13 Q That statement is part of the IPSO's
14 employment application standard operating
15 procedure?

16 A It's part of the processing. Yes, sir.

17 Q And the date of this document is April 20,
18 2000. Was this document the procedure that
19 was in effect in 2012?

20 A As far as I know, yes.

21 Q Are you aware of any changes or amendments
22 to this procedure?

23 A To the policy or the procedure?

24 Q To the document. Exhibit 9.

25 A No, the document has not been changed, that

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1 A Uh-huh (yes).

2 Q And again on page three, it says -- the
3 first line says "Former employer." Do you
4 see that?

5 A Yes, sir.

6 Q So there is a background evaluation of
7 prior employment per this form?

8 A For this one, like I said, I'm not sure
9 that this form is still applicable.

10 Q But this -- it reflects the -- even if the
11 sheriff's department is not using this
12 form, this document represents the
13 procedure that should be used, correct?

14 A Yes.

15 Q So it's standard operating procedure to
16 conduct an investigation of an employee's
17 background?

18 A Yes, sir.

19 Q And that includes the prior employment,
20 correct?

21 A Uh-huh (yes).

22 Q And part of the policy we talked about
23 before, that investigation is supposed to
24 be completed before the applicant is
25 interview by -- at the division level.

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1 A It should be.

2 Q And that policy was in place in 2012?

3 A As far as I know, yes.

4 Q At what point in the process is the
5 applicant sent for a physical examination?

6 A They're usually sent for the physicals when
7 they're -- they're accepted -- they are
8 deemed acceptable by the divisions and
9 after the interviews, you know. It's part
10 of the final process of hiring.

11 Q So all background investigation is
12 typically completed before the applicant is
13 sent for the medical screening?

14 A We hope that it is, yes, sir.

15 Q It's the procedure of the department to
16 have that completed before sending him to
17 the medical screening?

18 A Yes.

19 Q Okay. Are you aware of any instances where
20 that background investigation was not
21 completed before an applicant was sent for
22 a medical screening?

23 MR. BAROUSSE:

24 If you know.

25 A I do not. I'm -- I'm thinking here. I'm

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1 PAR form.

2 A Okay.

3 Q Would that procedure be inconsistent with
4 the IPSO hiring process?

5 A Well, what the -- the PAR is usually --
6 Tessie will track down whoever is available
7 at the time. You know, the captain may
8 come in first or, you know, and sign off on
9 it. She tries to get him first and then,
10 you know, whenever the sheriff or chief is
11 available. But usually going for your
12 physical is prior to the PAR.

13 Q And the sheriff's signature on this PAR
14 means that the sheriff has approved the
15 hire, correct?

16 A Yes, sir. He's signed off on the PAR.

17 Q And you mentioned Tessie a minute ago. She
18 was a witness earlier today.

19 A Okay.

20 Q Would Deputy LeJeune be more familiar than
21 you with the HR hiring process?

22 A Yes, she would.

23 MR. COURSON:

24 I think that's all we have for you,
25 Major.

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1 relevant?

2 A I can remember prior to coming on in 2004
3 that the previous sheriff, at that time,
4 had like a port patrol officer.

5 Q Who was the prior sheriff?

6 A Syd Hebert.

7 Q And Sheriff Ackal eliminated that position
8 when he became sheriff?

9 A I think it may have been eliminated prior
10 to, under Syd Hebert.

11 Q Okay. I see.

12 Well, is there another document of
13 which you are aware which describes the job
14 description for a patrol deputy?

15 A No, I am not aware of one.

16 Q What are the essential job duties of a
17 sheriff's deputy in patrol?

18 A Essential job duties, to handle complaints,
19 make arrests, traffic accidents, patrolling
20 the streets to deter crime, shoplifters,
21 you know.

22 Q Anything else?

23 A Transport prisoners, you know, transporting
24 people to mental institutions. You know,
25 just --

1 Q Sounds like it's a variety.

2 A Dog catcher, alligator catcher, you name
3 it, you know, we're tasked to do it.

4 Q Okay. What criteria do you use to
5 determine the merit of applications for a
6 position in your department?

7 A Well, we look at their age, any prior
8 convictions, whether it be misdemeanor or
9 felony convictions, their driving record,
10 their employment history, their physical
11 condition.

12 Q So you just look at those facts, age, prior
13 convictions, employment history, physical
14 condition, without reference to comparing
15 that to a particular job description?

16 A Well, it's, you know, I mean, age, you look
17 at, you know, someone a minimum of 20- --
18 21 years of age. Of course, we've hired
19 people, you know, 50 and 60 year olds
20 that's quite capable of doing some of the
21 work that a younger person does. You know,
22 physical condition has some bearings, you
23 know. I mean, it's pretty hard for some
24 people or certain people to maybe run after
25 someone if they're not physically fit or

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1 physician for consideration?

2 A I don't know.

3 Q How would you determine to answer that
4 question?

5 A Because I wouldn't know. I don't know
6 what, you know -- they -- they sent out a
7 specific form or --

8 Q Yes, sir. I understand.

9 A Yeah.

10 Q Okay. But you were designated by the
11 Sheriff's Office to answer questions
12 regarding the criteria used to determined
13 whether an applicant is medically fit for
14 duty. But if you are not able to answer
15 the question -- and my question is: How
16 would you go about learning the answer to
17 that question.

18 A Maybe someone else is required to know that
19 answer.

20 Q Well, I understand but --

21 A But I don't -- I don't know of any
22 criteria. Now, I know they're required to
23 take a physical, and I don't know what's on
24 that physical.

25 Q So you're not able to identify any

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1 criteria, specifically identified by IPSO,
2 with regard to medical fitness for duty.

3 A That's correct.

4 Q Okay. Has IPSO ever made a determination
5 that certain activities of a sheriff's
6 deputy would present a risk to health and
7 safety if performed by a person living with
8 HIV?

9 A Not that I know of.

10 Q Did you participate, personally, in any of
11 the background investigation in connection
12 with Mr. Proctor or Mr. Pierce's job
13 application?

14 A No, sir.

15 Q How are sheriff's deputies evaluated?

16 A Job performance.

17 Q Well, how is the job performance measured?

18 A You know, handle calls promptly, to handle
19 them satisfactory. Complaints, whether or
20 not there's complaints on them.

21 Q Who conducts those evaluations?

22 A The immediate supervisor.

23 Q So in the patrol division --

24 A Yes.

25 Q -- that would be --

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**IBERIA PARISH SHERIFF'S OFFICE
PERSONNEL ACTION REQUEST**

RECEIVED

Updated 12/13/2011

APR 10 2012
RPJ

Payroll Use Only		DATE	
Employee File	NP # 315	Home Department * 500	Reason for Action * New Hire
Employee Name* Last First M Suf Proctor William S		Personnel Status* <input checked="" type="checkbox"/> Full-time <input type="checkbox"/> Part-time	Standard Hours* 84
Social Security No [REDACTED]-6693		Name of Employee Replacing* Christy Smith	
Date of Birth [REDACTED]/1971		Previous Job Title* N/A	
Date of Hire		New Job Title* Patrol/Deputy/300 Shift	
Effective Date of Change		Primary Job Location* Patrol/Deputy/300 Shift	
Previous Rate of Pay \$ N/A		Gender* Male	Ethnic Code* White
New Rate of Pay \$ 27,900.00		Driver's License No [REDACTED]	
Marital Status- Single		Supervisor Capt. Rickey Boudreaux	
Address* [REDACTED] Lafayette, LA. 70503		Home Phone (337)316-1941	
		Other Phone Numbers (337)	Pager Number
E-mail Address		Emergency	
Remarks:			

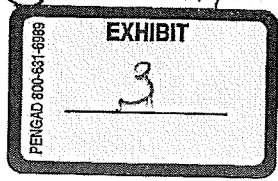
*REQUIRED FIELDS

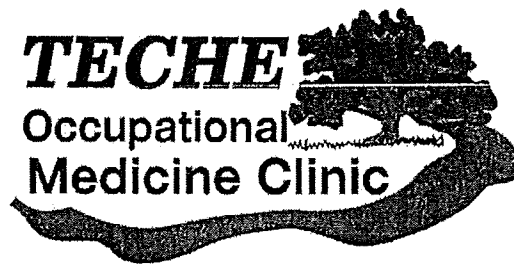
[Signature]
SIGNATURE OF EMPLOYEE DATE

Recommended:
[Signature] 3/30/12
SUPERVISOR DATE

Approved: *[Signature]*
SHERIFF DATE

[Signature] 4/2/12
CHIEF DATE





Employee Examination Results

Name: *PROCTOR, William*
 Date of Exam: *4/11/12*
 Employer: Iberia Parish Sheriff Dept.

Lab Results

- HIV screen - reactive -

Physical Findings:

- within normal limits.

Summary:

No significant abnormalities or medical findings.
 Abnormal findings as noted, follow-up with family MD.
 Other:

Comments:

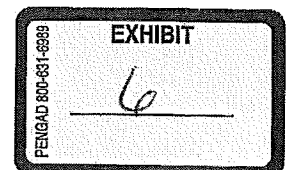
[Signature]

 Harold Broussard, PA-C

4/16/12

 Date

510 Jefferson Terrace Blvd., Ste. B • New Iberia, LA 70560
 Phone (337) 560-0931 • Fax (337) 560-0934





LOUIS ACKAL
SHERIFF
EX-OFFICIO
TAX COLLECTOR
IBERIA PARISH

300 IBERIA STREET, SUITE 120
NEW IBERIA, LOUISIANA
70560-4543
(337) 369-3714
FAX: (337) 363-5582

Mr. William Proctor
[REDACTED]
Lafayette, La 70544

April 18, 2012

Mr. Proctor,

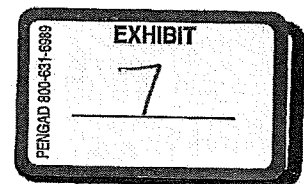
Thank you for seeking employment with the Iberia Parish Sheriff's Office. This letter is to inform you that we are not prepared to offer you a position at this time. Your application will be kept on file for consideration for future openings for a period of six months.

I wish you well in your future endeavors.

Respectfully,

Capt. Ryan Turner
Human Resources Director

RPT/psd



DEF000130

**BERIA PARISH SHERIFF'S OFFICE
PRE-EMPLOYMENT BACKGROUND INVESTIGATION CHECKLIST**

Physician

NAME:	WILLIAM STEVE PROCTOR		RACE:	WHITE	SEX:	MALE
DOB:	/1971	SSN:	6693	OLN:	LA	OLS:
TYPE OF WORK:	PATROL					

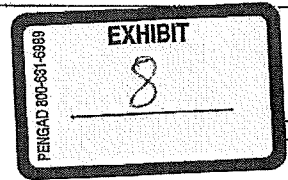
TYPE OF RECORD CK	RECORD EXIST?	PERSON PERFORMING CHECK	DATE OF CHECK
NCIC WANT	NONE	HILLARY BOUDOIN	2/27/2012
NCIC CCH	NONE		
LA CCH	NONE		
OMV	NONE		
IPSO WARRANTS	NONE	FRANK WASHINGTON	2/24/2012
IPSO JAIL RECORDS	NONE	ANGELA SIMON	2/24/2012
PROTECTION ORDER	NONE		

COMMENTS:
 04/17/2007 - CANCELLATION PLATE - REINSTATED
 12/17/2009 - CANCELLATION PLATE - REINSTATED
 09/27/2011 - CANCELLATION PLATE - REINSTATED
 02/06/2007 - APPLICANT - LAW ENFORCEMENT EMPLOYEE - LAFAYETTE SO
 07/16/2008 - APPLICANT - LAW ENFORCEMENT EMPLOYEE - LAFAYETTE PD
 04/19/2011 - APPLICANT - LAW ENFORCEMENT EMPLOYEE - ABBEVILLE PD
 OUT OF STATE BACKGROUND CLEAR

Sent copy to Capt. Boudoin 2/29/2012 PD

HUMAN RESOURCES CAPTAIN
 CHIEF OF STAFF APPROVAL: *[Signature]*

2/27/2012



DEF000140

PART A - MEDICAL HISTORY

Please print. All information is to be filled in by enrollee and taken to physician's office.

Social Security # [redacted]-6693
Name William Procter
Date of Employment
Duties Patrol Officer

Parish Iberia
 Male Female
 Single Never married
 Married Divorced Widowed
 Petition for divorce Date (MM/DD/YYYY)

THE FOLLOWING STATEMENTS MUST BE READ, SIGNED BY THE ENROLLEE, AND NOTARIZED:

I certify that all information that I provide is accurate and complete. I understand that any misrepresentation or failure on my part, intentional or unintentional, to fully disclose any information may be grounds for disqualification or discharge from employment and denial of benefits from insurance coverage and the Sheriffs' Pension Fund. I am aware that if I do not provide a full and accurate disclosure of all information requested, or intentionally make any false statements with respect to my application and the enrollment process, I may be guilty of perjury and/or false swearing and subject to prosecution therefore.

I agree to all examinations and tests deemed necessary and authorize any medical information to be furnished that the employer, the insurer, or the Sheriffs' Pension Fund shall deem necessary. I understand that all medical information provided to the Sheriffs' Pension Fund will be maintained in a confidential manner and will be used only by the Board of Trustees and appropriate Pension & Sheriff's Office staffs for making determinations with respect to preexisting conditions or application for disability benefits. I understand that I will be required to sign an exclusion of preexisting conditions, thereby disqualifying me from retirement benefits based upon that condition(s).

I understand that if the enrollment process is not completed within six (6) months from the date of my employment, vesting for disability benefits will not begin until the enrollment process has been completed.

William Procter
Signature of Enrollee

Sworn and subscribed before me this _____ day of _____

Notary Public

Parish Sheriff's Office

HAVE YOU EVER BEEN: Mark an X in the space to indicate yes.

Rejected/discharged for medical reasons for:

Military Service?

Employment?

Insurance policy or rated?

Membership in SPP?

EXPLAIN ANY ITEMS CHECKED

NONE

TO DETERMINE PREEXISTING CONDITIONS, HAVE YOU EVER HAD A WORK-RELATED INJURY?

Yes

No

If yes, give date and explain *July 2011 - broke @ arm*

MEDICINES - Mark an X in the space to indicate medicines you have ever taken or are now taking

Now Past

Now Past

Now Past

Blood Thinners

Heart Medicine

Sedatives

Cortisone-type Drugs*

Blood Pressure Medicine

Tranquilizers

Steroids*

Insulin

Other Medications

Dilantin/Anticonvulsants

* Specify reason for use of the medication(s).

2 MIs Dec 2003 + May 2004 - Bystole 5mg 1 per day

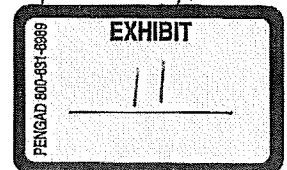
List dosage and frequency of medicines you are currently taking

List medicines you are allergic to *NONE*

Examining Physician's Initials *HS*

- 1 -

Enrollee's Initials *WP*



LIFETIME HEALTH HISTORY: MARK AN X IN THE SPACE NEXT TO ANY OF THE FOLLOWING TO INDICATE YOU NOW HAVE OR HAVE EVER HAD:

- | | | |
|--|---|---|
| <input type="checkbox"/> Arthritis | <input type="checkbox"/> Injury | <input type="checkbox"/> Stomach trouble |
| <input type="checkbox"/> Asthma | <input type="checkbox"/> Kidney trouble | <input type="checkbox"/> Stomach ulcer |
| <input type="checkbox"/> Back trouble | <input type="checkbox"/> Leukemia | <input type="checkbox"/> Stroke |
| <input type="checkbox"/> Bleeding from rectum | <input type="checkbox"/> Liver trouble | <input type="checkbox"/> Surgery (indicate type) |
| <input type="checkbox"/> Blood in stool | <input type="checkbox"/> Lung trouble | |
| <input type="checkbox"/> Blood pressure problems | <input type="checkbox"/> Migraine headaches | <input type="checkbox"/> Thyroid trouble |
| <input type="checkbox"/> Cancer (indicate type) | <input type="checkbox"/> Multiple Sclerosis | <input type="checkbox"/> TMJ trouble |
| <input type="checkbox"/> Carpal tunnel syndrome | <input type="checkbox"/> Muscular Dystrophy | <input type="checkbox"/> Too much sugar in system |
| <input type="checkbox"/> Diabetes | <input type="checkbox"/> Muscular weakness | <input type="checkbox"/> Tuberculosis |
| <input type="checkbox"/> Emphysema | <input type="checkbox"/> Osteomyelitis | <input type="checkbox"/> Varicose veins |
| <input type="checkbox"/> Epilepsy | <input type="checkbox"/> Paralysis of a body part | <input type="checkbox"/> Venereal disease (indicate type) |
| <input type="checkbox"/> Encephalitis | <input type="checkbox"/> Polio | |
| <input checked="" type="checkbox"/> Glaucoma | <input type="checkbox"/> Positive TB Test | |
| <input type="checkbox"/> Heart trouble | <input type="checkbox"/> Rheumatic Fever | <input type="checkbox"/> Vomiting blood |
| <input type="checkbox"/> Hematuria | <input type="checkbox"/> Seizures | <input type="checkbox"/> Other |
| <input type="checkbox"/> Hepatitis | <input type="checkbox"/> Sickle Cell Anemia | |
| <input checked="" type="checkbox"/> HIV | <input type="checkbox"/> Spinal meningitis | |

MENTAL HEALTH - Have you ever been tested or treated for; Mark an X in the space to indicate yes.

- | | | | |
|-------------------------------------|--------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Anxiety | <input type="checkbox"/> Nervousness | <input type="checkbox"/> Schizophrenia | <input type="checkbox"/> Insomnia |
| <input type="checkbox"/> Depression | <input type="checkbox"/> Paranoia | <input type="checkbox"/> Stress | <input type="checkbox"/> Other |

WOMEN ONLY

Date of last Pap smear: _____ Date of last mammogram: _____
 Results: _____ Results: _____

USE THE SPACE PROVIDED BELOW TO EXPLAIN ITEMS CHECKED IN HEALTH AND MENTAL HISTORY. GIVE COMPLETE DETAILS; INCLUDING ALL ACCIDENTS, ILLNESSES, INJURIES, SURGERIES, HOSPITALIZATIONS.

DATES	PHYSICIAN	REASON / CAUSE	TREATMENT RECEIVED	OUTCOME

PHYSICIANS - Include name, address, and phone number of physician(s) for the last 10 years.

Smokeless tobacco $\frac{1}{2}$ can per day	Now / Past	Now / Past
TOBACCO		
Use tobacco in any form	Treated for tobacco-related condition	No No
DRUGS		
Illegal use of controlled drugs	Treated for drug problem	No No
ALCOHOLIC BEVERAGES		
Use alcoholic beverages of any kind ✓	Treated for alcohol problem	No No
Examining Physician's Initials <i>WBS</i>	-2-	Enrollee's Initials <i>WBS</i>

PART B - PHYSICAL EXAMINATION

Enrollee's Name William Proctor Parish Iberia

PHYSICAL EXAMINATION - To be completed by physician performing examination. Indicate every item which is not within normal limits by placing an X in space provided. Male and female enrollees must have Genitourinary, Breast and Rectal Exam.

I. GENERAL

Posture
Gait

Palate
Pharynx
Tonsils
Larynx

Tenderness
Masses
Hernia
Liver size cm
Liver edge
Smooth
Irregular
Nodular
Spleen size
CVA tenderness
Rebound

Biceps
Triceps
Knee
Ankle
Romberg
Babinski
Coordination
Tremor
Vibratory
Cranial Nerves
Sensory

II. SKIN

Color
Texture
Sweaty
Scars
Eruptions
Ulcers
Petechiae

VII. NOSE

Septum
Obstruction
Mucosa
Sinus

VIII. NECK

Thyroid
Trachea
Veins
Masses
Bruit
Carotid
Spine
Range of Motion

XIII. FEMALE GENITO-URINARY

Labia
Clitoris
Bartholin's gland
Urethra
Perineum
Introitus
Vagina
Cervix
Uterus
Adnexa
Cul-de-sac
Discharge

XVII. MUSCULOSKELETAL

Shoulder
Arm
Elbow
Radial Pulse
Wrist
Hand
Fingers
Fingernails
Spine
Kyphosis
Lordosis
Scoliosis

III. HEAD

Shape
Hair
Masses
Tenderness
Bruit
Sinus

IX. LUNGS

Expansion
Breath Sounds
Rales
Wheezes
Rubs
Rhonchi
Respiratory rate

XIV. MALE GENITO-URINARY

Penis
Meatus
Epididymis
Varicocele
Testicles
Discharge
Hernia
Prostate
Scars

Hip
Leg
Knee
Ankle
Foot
Pedal pulse
Toes
Toenails
Joints

IV. EARS

External
Pinna
Canal
Drum

V. EYES

Muscles
Lids
Sclera
Conjunctivae
Cornea
Pupils
Fundi
Macula
Disk
Arteries
Veins
Exudate

X. HEART

Rate
Rhythm
Thrills
Rubs
Murmurs
Gallops

XV. RECTAL

Anus
Sphincter
Hemorrhoids
Mucosa
Masses
Pilonidal
Fissure

XVIII. EXTREMITIES

Clubbing
Cyanosis
Edema
Veins
Stasis
Ulceration
Hair distribution

VI. MOUTH/THROAT

Lips
Breath
Mucosa
Dentures
Teeth
Tongue
Gingiva
Floor

XI. BREASTS

Nodes
Discharge
Nipple
Areola
Symmetry
Consistency
Scars
Masses
Implants

XVI. NEUROLOGIC

Grasp
Plantar

XIX. EMOTIONAL

Speech
Affect
Orientation
Memory

XII. ABDOMEN

Contour

(Continued on reverse side)

HS

Height 69" Weight 179# Temperature 98.1°
 Blood Pressure 110/70 If 140/90 or above, recheck in 5 minutes
 Resting Pulse 76 9/9 Depth perception Normal Vision 24 Normal
 Vision Uncorrected RE 20/30 LE 20/20 Both 20/30 Corrected Blind R 85° L 85°
 Hearing (20 feet) >20' Note any hearing impairment R L

LABORATORY INFORMATION - Attach Reports

CBC Routine urinalysis Specific gravity 1.010
 Chemistry panel including sugar, blood, protein, etc.
 lipid & liver panels (fasting) Urine drug screen - To include amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, opiates, phencyclidine

Indicate Results and Attach Reports

VDRL TB Skin Test
 (If positive, submit chest x-ray report)
 HIV Hemocult

Remarks on laboratory results

List every item that needs explanation from enrollee's history, physical examination and laboratory results

PROBLEM	PLAN
Post. CAD.	On medical exercise program - has regular exercise / stress test

From your examination of William Prestor, do you consider enrollee to be in good physical and mental condition and capable of performing duties with no limitations? yes
 With limitations or with deficiency? no Disapproved? no

List deficiencies or reasons for disapproval

This examination and resulting information truly depict the condition of this enrollee on the 11th day of April, 2012. I attest that I have reviewed examination and laboratory results with this enrollee.

H. Broussard, P.A.C.
 Examining Physician's Signature

HAROLD J. BROUSSARD, JR., P.A.C.
 Typed or Printed Name of Physician

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

WILLIAM PIERCE CIVIL ACTION NO. 17-1365

VERSUS

SHERIFF LOUIS M. ACKAL, JUDGE: UNDESIGNATED
ET AL MAG. JUDGE HANNA

* * * * *

DEPOSITION OF HAROLD BROUSSARD, PA-C

TAKEN FOR AND ON BEHALF OF PLAINTIFF
AT TECHE OCCUPATIONAL MEDICAL CLINIC
510 JEFFERSON TERRACE
NEW IBERIA, LOUISIANA
ON MONDAY, SEPTEMBER 17, 2018
BEGINNING AT 3:10 P.M.

REPORTED BY:

KRIS M. CARVER, CERTIFIED COURT REPORTER

PILANT, a Corporation of Certified Court Reporters

1-800-841-6863

EXHIBIT 4

1 Q So it's sent through the mail?

2 A Yes, sir.

3 Q All right. And on the first page of this
4 document -- I'm sorry. This document in
5 particular is with respect to William
6 Proctor; is that correct?

7 A Yes, sir.

8 Q And it shows the date of exam as 4/11/2012?

9 A Yes, sir.

10 Q And what does it say under "physical
11 findings"?

12 A "Within normal limits."

13 Q And the physical findings referred to there
14 are the things that are on the form that
15 Iberia Parish Sheriff's Office has you
16 complete for a patient?

17 A It refers to his physical examination. And
18 yes, that form is completed at the time of
19 the examination.

20 Q And what does "within normal limits" mean?

21 A That I did not find any significant
22 physical defects that would prevent him
23 from going to work.

24 Q And then below that there is a checkmark
25 next to abnormal findings as noted; is that

1 A He had a problem. He had a history -- on
2 his history he had two MIs, myocardial
3 infarctions, heart attacks, in '03 and one
4 in '04. I don't have -- I don't have that
5 he had any stents and I do not remember if
6 he did. So I don't know if he had
7 stenting. He did not have coronary artery
8 bypass surgery, but he did have coronary
9 artery disease in the past.

10 Q Were there tests that indicated to you a
11 current state of coronary artery disease?

12 A No, sir.

13 Q And then what's the plan? In the next box
14 it says "plan." What's the plan with
15 respect to the cardiac --

16 A He's on medication. He is on an exercise
17 program, and he stated that he had regular
18 exams and regular stress tests.

19 Q And HIV is not listed as a problem here; is
20 that correct?

21 A That's right.

22 Q Then after that it says, "From your
23 examination of William Proctor, do you
24 consider enrollee to be in good physical
25 and mental condition, and capable of

1 performing duties with no limitations?"

2 And what is the answer?

3 A "Yes."

4 Q And then after it says "with limitations or
5 with deficiencies," what's the answer to
6 that question?

7 A "No."

8 Q And then -- and it says "disapproved."
9 What's the answer to that question?

10 A "No."

11 Q And this document is signed by you?

12 A Yes, sir.

13 Q We're going to now hand you what's been
14 marked as Exhibit 3. Can you take a look
15 at those four pages, and let me know when
16 you've had a chance to do that.

17 A (Reviews document.) Okay.

18 Q Do you recognize this document?

19 A Yes, sir.

20 Q What is this?

21 A These are results of the lab work that is
22 recommended by the parish school board.

23 Q By the parish -- what is that?

24 A I'm sorry. By the parish sheriff's office.

25 Q So you are supposed to -- Teche is supposed

1 Q And it shows that it was pre-placement
2 exam, so meaning before his hire, correct?

3 A Yes. Correct.

4 Q And then can you tell us what the result
5 was of this -- what is this medical
6 recommendation?

7 A Medical recommendation is employable
8 without accommodations, pending drug screen
9 and lab work.

10 Q But by the time you filled this out, you
11 already knew that he was HIV positive,
12 correct?

13 A That's correct.

14 Q So you had already determined that he was
15 employable without any accommodations, at
16 least with respect to his HIV?

17 A That's correct.

18 MR. SCHOETTES:

19 Off the record for one second.

20 (OFF THE RECORD AT 3:37 P.M.)

21 (BACK ON THE RECORD AT 3:37 P.M.)

22 MR. SCHOETTES:

23 Unless Mr. Barousse has some
24 questions for you, we are done.

25 MR. BAROUSSE:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

WILLIAM PIERCE CIVIL ACTION NO. 17-1365

VERSUS

JUDGE: UNDESIGNATED

SHERIFF LOUIS M. ACKAL,
ET AL

MAG. JUDGE HANNA

* * * * *

DEPOSITION OF DOUGLAS ALLEN BERNARD, M.D.

TAKEN FOR AND ON BEHALF OF PLAINTIFF

AT TECHE OCCUPATIONAL MEDICAL CLINIC

510 JEFFERSON TERRACE

NEW IBERIA, LOUISIANA

ON MONDAY, SEPTEMBER 17, 2018

BEGINNING AT 1:58 P.M.

REPORTED BY:

KRIS M. CARVER, CERTIFIED COURT REPORTER

PILANT, a Corporation of Certified Court Reporters

1-800-841-6863

EXHIBIT 5

1 Q On the first page, what does it say under
2 "physical findings"?

3 A "Within normal limits."

4 Q And what do the physical findings entail?

5 A They entail their vital signs, their eye
6 exam, their weight, their height,
7 everything that's on the physical form.
8 And the actual physical exam is done. We
9 don't write -- if they have a normal exam,
10 we don't write out any abnormal findings on
11 the form provided by the sheriff's
12 department. They mainly want to know if
13 there are any abnormal findings, and he had
14 none.

15 Q Now, you're looking at a different form.
16 You're saying the form provided by the
17 sheriff's office. Can you tell me what
18 that is -- what form that is that's
19 provided by the sheriff's office?

20 A Yes, sir. This is their forms that we get
21 and we keep and we use. And it includes
22 medical history, and then it goes on from
23 there. And we get the physical exam. And
24 --

25 Q So is that four pages in total that you're

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

WILLIAM PIERCE,

Plaintiff,

VERSUS

SHERIFF LOUIS M. ACKAL, et al.,

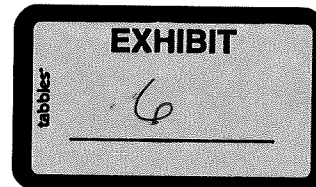
Defendants.

*
* CIVIL ACTION NO. 17-1365
*
* JUDGE: UNDESIGNATED
*
* MAGISTRATE JUDGE: HANNA
*
*
*
*
*

DECLARATION OF JASON HALPERIN, M.D., M.P.H

1. My name is Jason Halperin. I am a board certified infectious disease specialist with expertise in HIV infection. I received my M.D. at the University of Vermont in 2010. I completed my internal medicine training at Tulane University in 2010. I completed an infectious disease fellowship at New York University in 2015. Furthermore, I earned a Masters in Public Health (M.P.H.) degree at Columbia University in 2006. I serve on the faculty of the Division of Infectious Diseases at Tulane University as an Assistant Professor of Medicine. I also oversee HIV services at the largest HIV clinic in New Orleans, the federally qualified health center CrescentCare.

2. I am a member of the Infectious Diseases Society of America (IDSA) and the HIV Medicine Association (HIVMA), and I serve on the New Orleans Regional AIDS Planning Council. In addition to caring for patients with HIV infection, I conduct clinical trials on the treatment of HIV infection and its prevention.



3. Attached is a current version of my curriculum vitae (CV), which includes a list of list of the publications I have authored and my national presentations.

4. I have not been deposed or testified as an expert in court in the past four years.

5. In preparing my expert opinion, I reviewed the first Amended Complaint and the plaintiff's pre-employment physical examination, drug screen and the associated laboratory results.

I also reviewed the following papers:

- Henderson DK, Dembry L, et al., "SHEA Guideline for Management of Healthcare Workers Who Are Infected with Hepatitis B Virus, Hepatitis C Virus, and/or Human Immunodeficiency Virus," *Inf. Control and Hosp. Epidemiology* 2010; 30:203-32.
- New York State Department of Health AIDS institute/John Hopkins University Clinical Guidelines Program: *PEP for Non-Occupational Exposure to HIV*, October 2014.
- Patel P, Borkowf CB, et al. "Estimating per-act HIV transmission risk: a systematic review," *AIDS* (2014) 0.1097, 1509-1519.
- Cresswell FV, Ellis J, Hartley J et al., "A systematic review of risk of HIV transmission through biting or spitting: implications for policy," *HIV Medicine* (2018) 19, 523-540.
- Centers for Disease Control and Prevention, "Estimated Per-Act Probability of Acquiring HIV from an Infected Source by Exposure Act," *available at* <https://www.cdc.gov/hiv/risk/estimates/riskbehaviors.html>.
- Three job descriptions for a deputy sheriff provided by counsel (one from Spartanburg, NC (<http://www.spartanburgsheriff.org/job-description-deputy-sheriff.php>); one from Columbus, GA (<https://www.columbusga.gov/sheriff/pdfs/DeputyJobDescription.pdf>); and a generic one from a website called "free Job Descriptions" (<http://free-job-descriptions.com/deputy-sheriff-job-description/4538404805>).

6. The risk of acquiring Human Immunodeficiency Virus (HIV) varies widely depending on the type of exposure. Non-sexual exposures that carry significant risk of acquisition include blood transfusions from a person with HIV as well as needle sharing with a person with HIV during injection drug use. Acquisition of HIV is not possible when blood from an HIV-positive person is exposed to intact skin. For this reason, occupational transmission of HIV is relatively rare and occurs almost exclusively in the contexts of sex work and the provision of healthcare.

7. In terms of healthcare workers, occupational transmission require significant exposure to infected blood through deep inoculation, usually via a blood-filled, hollow-bore needle. Containment of the blood in a hollow-bore needle until inoculation prevents exposure of the virus to light and air, which would otherwise kill the virus within a matter of seconds.

8. Transmission through mucosal exposures (e.g., blood splashed into the eyes or mouth) is very unlikely. Furthermore, there is no risk of HIV acquisition from spitting and the risk from biting is negligible. Such transmission are extremely rare.

9. The performance of a law enforcement officer's duties do not present anything more than a theoretical risk of transmission of HIV from the law enforcement officer to another. I have reviewed the job descriptions or deputy sheriffs in other locales. Based on this review, I found no job duty that would present a risk of HIV transmission to another law enforcement officer or to a member of the public. For example, as stated in the job description from Spartanburg, SC, a deputy sheriff is expected to "apprehend, arrest and detain criminal suspects and law violators when necessary; follows proper procedures when making arrests[.]" This activity would not pose any medically recognized risk to the criminal suspects. Another important function of a deputy sheriff is to administer first aid to the injured in emergency situations. The Society for Healthcare

Epidemiology of America (SHEA) does not recommend any restrictions or monitoring of healthcare workers living with HIV who provide advanced life support let alone the basic life support services deputy sheriffs are expected to perform. The presence of the law enforcement officer's blood – as the result of a cut or other trauma to the law enforcement officer – within the circumstances described above may present a theoretically viable route of transmission, but the risk of transmission in such circumstances is nonetheless very low. There has never been a documented transmission of HIV in such circumstances, and the chance of one occurring in the future is extremely remote.

10. Current therapy for HIV infection is simple, safe, and highly effective. A typical antiretroviral regimen now consist of one or two pills taken once daily. Patients typically experience few if any side effects, and long-term toxicity with currently recommend agents is minimal. With good adherence by patients, sustained (life-long) viral suppression is the norm. Suppression of the HIV viral load to undetectable levels improves and maintains immune function, suppresses the chronic inflammation and immune activation associated with untreated HIV infection, prevents HIV-associated complications, and prevents transmission of HIV to others. Patients are recommended to follow up with a medical provider for clinical and laboratory monitoring approximately every six months. Once a patient's HIV viral load is suppressed (maintain below <200 copies/ml) for over six months the risk of transmission to another person is greatly reduced. The risk of sexual transmission from a person who is HIV positive but with sustained viral suppression is considered non-existent. The risk of HIV acquisition in any circumstance is directly associated with the HIV viral load, with the baseline risk lowered significantly – or even eliminated – as the result of a suppressed viral load.

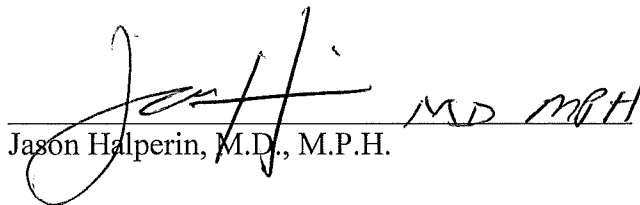
11. If a law enforcement officer maintained a suppressed viral load, the already extremely low risk of transmission in even the extreme circumstances described above involving substantial blood-to-blood contact would be significantly reduced.

12. Post-exposure prophylaxis (PEP) is the use of a 28-day course of a 3-drug antiretroviral regimen following HIV exposure to prevent infection. It is used both for occupational exposures (e.g., needlestick injuries) and for non-occupational exposures (e.g., sexual exposure or injection drug use with shared equipment). The medication when used properly is both highly effective and very well tolerated.

13. In the extremely unlikely event of a substantial exposure of the blood of an HIV-positive deputy sheriff and the mucous membranes or open wounds of a member of the public or a coworker, PEP could be provided to the substantially exposed person, essentially eliminating the extremely low risk of transmission.

14. Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: November 21, 2018


Jason Halperin, M.D., M.P.H.

Jason Halperin

██████████ New Orleans, LA 70130 • (917) 509-7773 • Jasonhalperin@gmail.com

Education:

- 07/2013 – 07/2015 **New York University Division of Infectious Disease and Immunology**
Infectious Disease Fellowship – July, 2015
- 06/2010 – 06/2013 **Tulane University Department of Internal Medicine**
Internal Medicine Residency – June, 2013
- 09/2006 – 05/2010 **University of Vermont – College of Medicine**
Doctorate of Medicine – May, 2010
- 12/03 – 06/2006 **Columbia University – Mailman School of Public Health**
Department of Population and Family Health – Program on Forced Migration
Masters of Public Health – May, 2006
- 05/98 – 09/01 **New York University – Gallatin School of Interdisciplinary Study**
Bachelor of Arts – May, 2001

Licensure:

- 02/2015 – Present Louisiana State Medical License
- 08/2014 – Present American Board of Internal Medicine (ABIM) Certified
- 10/2015 – Present American Board of Internal Medicine: Specialist in Infectious Disease

Professional Experience - Medicine:

- 07/15 – Present **Crescent Care: Federally Qualified Health Center**
Staff Infectious Diseases Physician *New Orleans, LA*
- 07/15 – Present **Tulane University Medical Center Section of Infectious Diseases**
Assistant Professor of Clinical Medicine *New Orleans, LA*

Professional Experience:

- 09/05 - 12/05 **World Health Organization South Sudan Kala Azar Project**
Field Epidemiologist *Old Fangak, Sudan*
- 09/04 - 05/06 **Columbia University**
Program on Forced Migration
Graduate Research Assistant *New York, NY*
- 08/01 - 09/03 **Doctors Without Borders/Médecins Sans Frontières**
Press & Outreach Associate *New York, NY*

Research Leadership:

- 05/17 – Present **Principal Investigator – Tulane University/CrescentCare**
 A Phase 3, Randomized, Double-blind Study to Evaluate the Safety and Efficacy of Emtricitabine and Tenofovir Alafenamide (F/TAF) Fixed-Dose Combination Once Daily for Pre-Exposure Prophylaxis in Men and Transgender Women Who Have Sex with Men and Are at Risk of HIV-1 Infection
- 12/16 – Present **Principal Investigator – CrescentCare Start Initiative**
 An agency-wide intervention to initiate ART within 72 hours of diagnosis for all people diagnosed with HIV in the City of New Orleans.

Publications:

- May 2003 Halperin J “*Feeling the Bootheel of the Patriot Act*” Editorial, The Los Angeles Times
- February 2006 Boothby N, Crawford J, and Halperin J “*Mozambique Child Soldier Life Outcome Study*” Global Public Health Journal. 2006 Routledge Publications 1:1 87-107 PMID: 19153896
- March 2012 Halperin J, Richey L, and Mushatt D “*The Modern Day Masquerader: A Rare Case of Acute HIV Infection with Neurologic Complications and a Review of the Literature.*” Journal of the Louisiana State Medical Society 164:2 76-80 PMID: 22685856
- February 2013 Richey L, Halperin J “*The Acute Human Immunodeficiency Virus Infection*” The American Journal of the Medical Sciences 345(2):136-42 PMID: 23095473
- April 2013 Halperin J, Pathmanathan I, Richey L “*Disclosure of HIV Status to Social Networks is Strongly Associated with Increased Retention Among an Urban Cohort in New Orleans*” AIDS Patient Care & STDs Jul;27(7):375-7 PMID: 23789731
- June 2014 Richey L, Halperin J, Pathmanathan et al. “*From Diagnosis to Engagement in HIV Care: Assessment and Predictors of Linkage and Retention in Care Among Patients Diagnosed by Emergency Department Based Testing in an Urban Public Hospital.*” AIDS Patient Care & STDs Jun; 28(6):277-9 PMID: 24742345
- November 2014 Grew DJ, Cooper BT, Nguy S, Halperin J, Sanfilippo SJ. “*Toxicity and disease-related outcomes after radiotherapy for head and neck cancer in human immunodeficiency virus-positive patients.*” Frontiers in Oncology 2014 Nov 10;4:316. PMID: 25426448
- September 2016 Halperin J, Bean MC, Richey LE. “*Laboratory markers slightly overestimate retention in HIV care among newly diagnosed individuals.*” AIDS Care. 2016 Sep;28(9):1188-91 PMID: 27010972
- December 2016 Halperin J, Katz M, Pathmanathan I, Myers L, Van Sickels N, Seal PS, Richey LE. “*Early HIV Diagnosis Leads to Significantly Decreased Costs in the First 2 Years of HIV Care in an Urban Charity Hospital in New Orleans.*” J Int Assoc Provid AIDS Care. 2017 Nov/Dec;16(6):527-530. PMID: 29076395
- February 2018 Halperin J, Butler I, Conner K, Myers L, Holm P, Bartram L, Van Sickels N. “*Linkage and Antiretroviral Therapy Within 72 Hours at a Federally Qualified Health Center in New Orleans.*” AIDS Patient Care STDS. 2018 Feb;32(2):39-41. PMID: 29432044

Presentations:

- April 2003 "The Research Gap for Neglected Diseases." Harvard Medical School Guest Lecture as part of the Doctor's Without Borders Access to Essential Medicines Exposition. Boston, MA (Oral Presentation)
- April 2006 Halperin J "A Field Based Evaluation and Comparison of the rK39-antigen-base Dipstick to the Direct Agglutination Test for the Serodiagnosis of Visceral Leishmaniasis in South Sudan." Columbia University's School of Public Health Tropical Medicine Lecture Series. New York, NY. (Oral Presentation)
- February 2011 Halperin J, Moore S "Tilting Toward the Diagnosis – A Case of Supine Hypertension and Orthostatic Hypotension." Southern Society of General Internal Medicine Conference New Orleans, LA (Poster Presentation)
- May 2011 Halperin J, Richey L "A Not So Retrovirus – A Case of Acute HIV and Review of the Fiebig Stages of Diagnosis." Society of General Internal Medicine National Conference Phoenix, AZ (Poster Presentation)
- January 2012 Halperin J, Nnedu O "An Unrecognized STI: A Case of Shigella Flexneri." American College of Physicians Southern Meeting New Orleans, LA (Oral Presentation)
- January 2012 Dodson B, Halperin J "Expand Your Mind with Knowledge, Not Cryptococcus Neoformans." American College of Physicians Southern Meeting New Orleans, LA (Oral Presentation)
- April 2012 Richey L, Halperin J, Pathmanathan I et al. "Predictors of Linkage and Retention in HIV Care in an Urban Setting in New Orleans." IDWeek 2012 San Diego, CA (Poster Presentation)
- April 2012 Halperin J, Pathmanathan I, Van Sickels N et al. "Disclosure of HIV Status to Social Networks is Strongly Associated with Increased Retention and Improved Clinical Outcomes Among an Urban Cohort in New Orleans." IDWeek 2012 San Diego, CA (Poster Presentation)
- May 2012 Halperin J, Nnedu O "An Unrecognized STI: A Case of Shigella Flexneri." Society of General Internal Medicine National Conference Orlando, Florida (Poster Presentation)
- October 2013 Halperin J, Pathmanathan I, Katz M et al. "Earlier HIV Diagnosis Leads to Significantly Decreased Costs in the First Two Years of HIV Care in an Urban Charity Hospital in New Orleans" IDWeek 2013 San Francisco, CA (Oral Presentation)
- April 2014 Ha J, Halperin J "Non-typhi Salmonella – Induced Mycotic Aneurysm" Society of General Internal Medicine National Conference San Diego, CA (Poster Presentation)
- December 2014 Bean M, Halperin J, Richey L. "Laboratory Markers Overestimate Retention in HIV care" IDWeek 2014 Philadelphia, PA (Poster Presentation)
- December 2015 Halperin J, Schranz A, Laraque F et al. "Hepatitis C Surveillance Markers Study: A Validation of Genotype as a Laboratory Proxy for Linkage to Care" IDWeek 2015 San Diego, CA (Poster Presentation)
- December 2015 Schranz A, Halperin J, Liu A et al. "Linkage to Care for Hepatitis C: Creating a Cascade of Care to Identify Gaps at the Individual Hospital Level" IDWeek 2015 San Diego, CA (Poster Presentation)

- October 2017 Bartram L, Chiosi J, Varley C, Halperin J. "Let's Talk About Sex: Improving the Adoption of Pre-exposure Prophylaxis by Internal Medicine Resident Physicians in New Orleans" IDWeek 2017 San Diego, CA (Poster Presentation)
- October 2017 Halperin J, Holm P, Butler I et al. "Linkage and Anti-Retroviral Therapy Within 72-hours at a Ryan White-Funded FQHC in the Deep South" IDWeek 2017 San Diego, CA (Poster Presentation)
- June 2018 Halperin J, Jose J, Conner K et al. "Ready, Set, Go: ART Within 72 Hours at a Ryan White-Funded FQHC in New Orleans" IAPAC Adherence Conference Miami, FL (Oral Presentation)

Teaching:

- 06/2018 – present **Expert Faculty – HIV Experts & Evidence: Evolving Models of HIV Care**
- 07/2015 – present **Preceptor – Tulane University Infectious Diseases Fellow Clinic**
- 07/2015 – present **Course Leader: HIV Primary Care
Tulane University School of Medicine**
- 01/2011 – 05/2013 **Clinical Diagnosis Preceptor – Tulane University School of Medicine**
- 08/2014 – present **Research Mentor for Medical Students – New York University School of Medicine**

Committee Membership:

- 07/2012 – Present **Tulane University Medical Center Ethics Committee**
- 10/16 – Present **New Orleans Regional AIDS Planning Council**