

**GORDON, ARATA, MCCOLLAM, DUPLANTIS & EAGAN, LLC**

**UPDATED NOVEMBER 25, 2013**

**BRIEF SUMMARY OF  
LITIGATION INVOLVING LOUISIANA DEPARTMENT OF EDUCATION,  
RECOVERY SCHOOL DISTRICT:  
OUTSTANDING DURING 2013**

**PREPARED FOR: RONALD H. BORDELON  
CHIEF FACILITIES OFFICER  
LOUISIANA DEPARTMENT OF EDUCATION  
RECOVERY SCHOOL DISTRICT**

**PREPARED BY:  
TINA CRAWFORD WHITE, ESQ.  
MICHAEL E. BOTNICK, ESQ.**

RSD MATTER IN LITIGATION (Brief Name, Then Full Caption)	RSD COSTS	DATE LAWSUIT FILED	BRIEF DESCRIPTION
<p><b><u>CROCKER/P &amp; J</u></b></p> <p><i>P&amp;J Contracting of Louisiana, L.L.C. v. State of Louisiana, Department of Education, Recovery School District and Chenevert Architects, L.L.C.</i>, 19th Judicial District Court, No. 599159, Section “25”</p> <p>(Judge Wilson Fields)</p>	<p>FY13: \$13K</p> <p>FY14: \$0K</p>	<p>02/10/2011</p>	<p><b><u>Plaintiff:</u></b> P&amp; J Contracting  <b><u>Defendants:</u></b> LDOE/RSD and Chenevert Architects</p> <p><b><u>School:</u></b> Crocker Elementary</p> <p><b><u>Description:</u></b> Construction lawsuit by demolition Contractor seeking damages for alleged additional work, release of liquidated damages and retainage, acceleration costs, and other damages, costs and attorneys’ fees.</p>
<p><b><u>EHLINGER</u></b></p> <p><i>Ladd Ehlinger v. State of Louisiana, Through the Recovery School District, Department of Education, Lona Hankins, Jules LaGarde, Tammy Barney, CSRS, L.L.C., and Jacobs Engineering Group, L.L.C.</i>, Civil District Court for the Parish of Orleans, No. 2011-6215, Division “H”</p> <p>(Judge Michael Bagneris)</p>	<p>FY13: \$0K</p> <p>FY14: \$0K</p>	<p>06/13/2011</p>	<p><b><u>Plaintiff:</u></b> Ladd Ehlinger  <b><u>Defendants:</u></b> LDOE/RSD, RSD employees Lona Hankins and Tammy Barney, Jacobs/CSRS, and Jacobs/CSRS employee Jules Lagarde.</p> <p><b><u>School:</u></b> n/a</p> <p><b><u>Description:</u></b> Public records litigation alleging failure to produce requested records seeking mandamus, declaratory judgment, civil penalties, attorneys’ fees and costs.</p>

<p><b><u>FRANTZ/LATHAN</u></b></p> <p><i>The Lathan Company v. State of Louisiana, Through the Recovery School District and John White in his official capacity as The State of Louisiana Superintendent of Education, 19<sup>th</sup> Judicial District Court, No. 612067, Section “24”</i></p> <p>(Judge Michael Caldwell)</p>	<p>FY13: \$182K</p> <p>FY14: \$19K</p>	<p>05/14/2012</p>	<p><b><u>Plaintiff:</u></b> The Lathan Company  <b><u>Defendants:</u></b> LDOE/RSD and John White, Superintendent</p> <p><b><u>School:</u></b> William Frantz School</p> <p><b><u>Description:</u></b> Petition for Mandamus filed by Contractor asserting numerous claims involving payment on CCDs and related CORs, entitlement to additional days and general conditions costs, owner delay and Architect errors and omissions.  NOTE: Contractor filed separate lawsuit in federal court (EDLA) against Architect, Billes Partners.</p>
<p><b><u>LIVE OAK/SLAYTON</u></b></p> <p><i>Arcadia, Inc. v. M. Slayton Construction, Inc., International Fidelity Insurance Company and The Louisiana Department of Education, Civil District Court for the Parish of Orleans, No. 12-5655, Division “G”</i></p> <p>(Judge Robin Giarrusso)</p>	<p>FY13: \$0K</p> <p>FY14: \$4K</p>	<p>06/08/2012</p>	<p><b><u>Plaintiff:</u></b> Arcadia, Inc.  <b><u>Defendants:</u></b> M. Slayton Construction, Inc., International Fidelity Insurance Company, and LDOE</p> <p><b><u>School:</u></b> Live Oak Elementary</p> <p><b><u>Description:</u></b> Construction lawsuit by subcontractor against Contractor, Contractor’s Surety and LDOE seeking payment of allegedly improperly withheld funds for doors, hardware and supplies provided by subcontractor for Project.</p>
<p><b><u>F. C. WILLIAMS/BRICE</u></b></p> <p><i>Brice Building Company, L.L.C. v. State of Louisiana, Department of Education, Recovery School District; and John White in his Official Capacity as the State of Louisiana Superintendent of Education, 19<sup>th</sup> Judicial District Court for the Parish of East Baton Rouge, No. 614797, Section “25”</i></p> <p>(Judge Wilson Fields)</p>	<p>FY13: \$97K</p> <p>FY14: \$16K</p>	<p>08/20/2012 (Original)</p> <p>09/05/2012 (Amended)</p>	<p><b><u>Plaintiff:</u></b> Brice Building Company, L.L.C.  <b><u>Defendants:</u></b> LDOE/RSD and John White, Superintendent</p> <p><b><u>School:</u></b> Fannie C. Williams School</p> <p><b><u>Description:</u></b> Petition for Mandamus seeking payment of previously withheld liquidated damages, legal interests and other costs.</p>

<p><b><u>OSBORNE/FLWB</u></b></p> <p><i>Fauntleroy Latham Weldon Barre Architects, APC v. Louisiana State Department of Education, 19<sup>th</sup> Judicial District Court for the Parish of East Baton Rouge, No. 615232, Division “D”</i></p> <p>(Judge Janice Clark)</p>	<p>FY13: \$72K</p> <p>FY14: \$0K</p>	<p>09/10/2012</p>	<p><b><u>Plaintiff:</u></b> Fauntleroy Latham Weldon Barre Architects, APC  <b><u>Defendants:</u></b> LDOE</p> <p><b><u>School:</u></b> Mildred Osborne School</p> <p><b><u>Description:</u></b> Petition for Mandamus seeking additional fees for extended contract administration, timely compensation, all costs incurred, plus legal interest.</p>
<p><b><u>OSBORNE/PASCHEN-NIELSEN</u></b></p> <p><i>F.H. Paschen, S.N. Nielsen &amp; Associates, LLC v. Southeastern Commercial Masonry, Inc., U.S. District Court for the Eastern District of Louisiana, No. 2:12-CV-02799, Section “E”</i></p> <p>(Judge Susie Morgan)</p>	<p>FY13: \$23K</p> <p>FY14: \$1K</p>	<p>11/19/2012</p> <p>(Third Party Complaint filed against the RSD on 01/10/2013)</p>	<p><b><u>Plaintiff:</u></b> F.H. Paschen, S.N. Nielsen &amp; Associates, LLC  <b><u>Defendant:</u></b> Southeastern Commercial Masonry, Inc.  <b><u>Third Party Plaintiff:</u></b> Southeastern Commercial Masonry, Inc.  <b><u>Third Party Defendant:</u></b> RSD</p> <p><b><u>School:</u></b> Mildred Osborne School</p> <p><b><u>Description:</u></b> Construction lawsuit by Contractor against Subcontractor for breach of contract and declaratory judgment. Subcontractor filed Third Party Complaint against the RSD.</p>
<p><b><u>DERHAM/CONCRETE BUSTERS</u></b></p> <p><i>Concrete Busters of Louisiana, Inc. v. State of Louisiana, Department of Education, Recovery School District, 19th Judicial District Court, No. 617736, Section “24”</i></p> <p>(Judge Michael Caldwell)</p>	<p>FY13: \$8K</p> <p>FY14: \$1K</p>	<p>12/21/2012</p>	<p><b><u>Plaintiff:</u></b> Concrete Busters  <b><u>Defendant:</u></b> LDOE/RSD</p> <p><b><u>School:</u></b> James Derham Junior High School</p> <p><b><u>Description:</u></b> Construction lawsuit by Contractor regarding demolition project seeking additional fees and costs related to the removal of concrete panels involving asbestos.</p>

<p><b><u>F. C. WILLIAMS/BRICE</u></b></p> <p><i>Brice Building Company, L.L.C. v. The State of Louisiana, Department of Education, Recovery School District, and Yeates and Yeates Architects, L.L.C., 19<sup>th</sup> Judicial District Court, No. 618678, Section “21”</i></p> <p>(Judge Janice Clark)</p>	<p>FY13: \$97K</p> <p>FY14: \$16K</p>	<p>01/25/2013</p>	<p><b><u>Plaintiff:</u></b> Brice Building Company, L.L.C.  <b><u>Defendants:</u></b> LDOE/RSD and Yeates and Yeates Architects, L.L.C.</p> <p><b><u>School:</u></b> Fannie C. Williams School</p> <p><b><u>Description:</u></b> Construction lawsuit by Contractor against RSD and Architect seeking over \$5 million in damages and alleged acceleration, extended general conditions and other costs.</p>
<p><b><u>GUSTE/CAMCO</u></b></p> <p><i>Crown Architectural Metal Co., L.L.C. v. The State of Louisiana, Department of Education, Recovery School District, and N-Y Associates, Inc., 19<sup>th</sup> Judicial District Court, No. 619014, Section “25”</i></p> <p>(Judge Wilson Fields)</p>	<p>FY13: \$15K</p> <p>FY14: \$6K</p>	<p>02/06/2013</p>	<p><b><u>Plaintiff:</u></b> Crown Architectural Metal Co., L.L.C.  <b><u>Defendants:</u></b> LDOE/RSD and N-Y Associates, Inc.</p> <p><b><u>School:</u></b> William J. Guste Elementary</p> <p><b><u>Description:</u></b> Construction lawsuit by Contractor against RSD and Architect seeking damages and costs arising from roof replacement project.</p>
<p><b><u>CROCKER/S&amp;P</u></b></p> <p><i>Satterfield and Pontikes Construction, Inc. v. State of Louisiana, Department of Education, 19<sup>th</sup> Judicial District Court, No. 619558, Section “24”</i></p> <p>(Judge Michael Caldwell)</p>	<p>FY13: \$121K</p> <p>FY14: \$28K</p>	<p>02/28/2013</p>	<p><b><u>Plaintiff:</u></b> Satterfield and Pontikes Construction, Inc.  <b><u>Defendant:</u></b> LDOE</p> <p><b><u>School:</u></b> Crocker Elementary</p> <p><b><u>Description:</u></b> Construction lawsuit by Contractor seeking nearly \$ 6 million in damages and alleged acceleration, extended general conditions and other costs.</p>