



# BURGLASS TANKERSLEY GAUDIN PHAYER

## Statement of Qualifications for Jefferson Parish

For 30 years Burglass & Tankersley, LLC has concentrated in four primary areas of expertise: Litigation, Construction Contract and Procurement, Medical Malpractice Defense, and Insurance Defense. Our Attorneys have extensive experience in complex litigation including class-action defense and an ever-growing regulatory practice. We are AV rated with 34 years of experience representing public entities including but not limited to:

Attorney General  
City of Kenner  
City of New Orleans  
Housing Authority of New Orleans  
Jefferson Parish  
Jefferson Parish Sheriffs' Office  
Louisiana Department of Corrections  
Louisiana Department of Insurance  
Louisiana Department of Transportation and Development

Louisiana Fire Marshal  
Louisiana Insurance Guarantee Association  
Louisiana State Police  
Louisiana Workers' Compensation Corporation  
Office of Risk Management  
Plaquemines Parish  
Sewerage and Water Board of New Orleans  
State of Louisiana  
Southeast Louisiana Flood Protection Authority - East

Since our inception, we have considered public entity clients as one of our primary concentrations.

We are proud to have represented Jefferson Parish for years in a variety of litigation matters, many of which were very complex, including numerous class actions - ***all of which were resolved with no money paid by the Parish.*** Our lawyers are regularly in state and federal courts all over Louisiana trying cases or motions; preparing experts and lay witnesses for depositions or trial. They carefully develop defense plans that suit our clients' needs.

We try cases often. We are not afraid of the courtroom and our opponents know it. We are routinely called in to take over complex, problematic litigation a month or so before trial.

We are confident our team has the skill, talent and ability to represent Jefferson Parish in the areas of: **Business Law, Administrative Law and Regulatory Practice, Labor and Employment Law, Health Law, Public Contract Law, Transportation Law, Science and**



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**Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Property Law, Complex Litigation (including asbestos litigation), Ethics Law, Civil Rights and the Constitution, Municipal Representation, Oil Spill Litigation and Construction Law** as outlined in your Request for Statement of Qualifications. Our intuitive technology platform encompasses all aspects of practice management including file document management and billing through financial and statistical data compilation. This technology allows us to be efficient and responsive to our clients and partners.

As a smaller firm with advanced resources and talent, we provide expertise, efficiency, exceptional customer service, and the agility to implement improvements quickly, thereby surpassing the capabilities of much larger firms. We continue to evolve and successfully outpace all firms of our size through technological innovation and the application of best practices. We understand that personal attention and service to each client is fundamental to legal success. Our lawyers are dedicated to our clients' needs and objectives.

Our extensive public law practice has allowed us to become very comfortable when dealing with Governors, Insurance Commissioners, Senators, Representatives, Legislative Committees, Mayors, Parish Presidents, City and Parish Councils, and Federal Agencies and their staff. We have experience with parallel criminal action requiring us to cooperate with the FBI and US attorneys. With a combined 200 years of public law experience, we can greatly assist Jefferson Parish with its legal needs. Approximately 50% of our practice is representing public bodies: our construction practice is 90% for public bodies, and 100% of our medical malpractice defense work is for public bodies. Our website is the most current source of information on our Firm.

We are aggressive, effective, innovative, responsive, technologically savvy, cost-conscious and highly motivated. Our attorneys possess diverse educational, work and legal backgrounds. Our litigators, of which 25% are female, average over 20 years experience. A key factor that differentiates us from our competition is collaboration, both with our clients and amongst our attorneys, administration, paralegals and secretaries. Our open active internal collaboration leverages the knowledge of the entire Firm allowing for more complete representation, depth of knowledge and growth of the junior associates. In addition to the constant one-on-one collaboration, our monthly round table discussions ensure that each client is benefiting from the Firm's entire breadth of knowledge. Partners, associates, paralegals and legal assistants understand the protocols and guidelines for each client, and through the use of our technology, guarantee adherence to these policies. Our Senior litigators and years of experience are:

Mr. Tankersley	48 years
Mr. Phayer	44 years
Mr. Burglass	39 years
Mr. Bernard	36 years
Mr. Gaudin	33 years
Mr. Riggle	30 Years
Mr. Gaspard	28 years
Ms. Peyton	27 years



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Ms. Ermon	23 years
Mr. Valencino	20 years
Mr. Canizaro	16 Years

The Firm's 17 lawyers, as well as the administrative staff, consider giving back to our community a priority and serve on numerous boards and charitable organizations. The Firm is a proud supporter of the Wounded Warrior Project and the National World War II Museum. We have lawyers with licenses and experience in other states, including Texas and Mississippi, all maintained for the benefit of our clients.

**For your consideration, we offer the following results by legal field.**

## **Construction Law**

### **Knowledge and Experience**

We have handled hundreds of millions of dollars' worth of construction and construction defect disputes primarily on behalf of public owners. We rarely represent architects, engineers, contractors, sub-contractors and suppliers in public construction and procurement matters. As a result, we rarely develop conflicts of interest. These matters are/were diverse and complex projects such as:

BW Cooper maintenance facility (NO)	Libraries (JP)
Computer telemetry systems (JP)	May 8, 1995 Flood (JP)
Drainage pump stations (JP)	Public housing projects (JP/NO)
East bank water treatment plant (JP)	Pump stations (JP)
Fire stations (JP/Plaquemines)	Roadways (JP)
Guste Highrise & Elevator tower (NO)	Roofs (Several including JPSO)
Hornet's practice facility (JP)	Second Parish Court (JP)
Katrina class action litigation (JP/State)	Sports arenas (JP)
Kelvin landfill (JP)	Wastewater treatment plants (JP)
Kenner Planetarium (Kenner)	Water purification plants (JP)
Jefferson Parish Jail (JP)	Water towers (JP)
Jefferson Parish Crime Lab (JPSO)	West bank sewerage treatment plant (JP)
Juvenile Justice Center (JP)	Yenni Building (JP)

Many were class actions. As a result, we have developed a particular expertise in representing public owners in all manner of public contract disputes that arise from bid disputes, challenges, and change orders.

We also have experience negotiating and drafting design and construction contracts as well as advising on contract administration. Although our goal is to help clients avoid costly disputes as



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projects progress, when disputes do arise, our attorneys have handled construction disputes at all levels of trial and appellate litigation, as well as through mediation, arbitration and other ADR techniques. Our attorneys further provide counsel to clients regarding public and private works act lien issues, warranty issues and surety/bond issues.

### Results

***Plaquemines Parish government v. Hanover*** - Plaquemines Parish sought to consolidate three of its destroyed facilities into one by utilizing FEMA funds. Ultimately the building, as designed and constructed, proved disastrous. The Firm represented the engineer which contracted with Plaquemines Parish government to facilitate FEMA payments in this multi-party Federal court litigation. Following several mediations followed by a court monitored mediation, this matter was settled.

***One Billion Dollar Drainage Improvement Program*** – The Firm advised local Parish on their cooperative agreement with the United States Army Corps of Engineers for the Southeast Louisiana (SELA) Flood Control Program. The Firm further defended the Parish in numerous homeowner damage suits arising out of the related construction projects.

***Duo Contracting Inc. v. Housing Authority of New Orleans (HANO)*** - The Firm defended HANO in an arbitration initiated by the general contractor for delay claims and the remaining balance under a contract for the construction of new housing at Hendee Homes. The issues in dispute included delay claims, professional liability, liquidated damages, and construction deficiencies. The case was mediated and resulted in a settlement with the contractor for less than the outstanding contract balance, resulting in HANO retaining nearly \$45,000.

***Jefferson Parish Performing Arts Center*** - Jefferson Parish retained the Firm to advise the Parish in connection with the construction of the new \$26,565,000 Performing Arts Center when the low bidder turned out to be J. Caldarera & Co., Inc. There was some initial evidence of design problems with the building and an expectation that litigation would ensue. As the project progressed, egregious design errors and omissions were discovered resulting in eight major change orders which exceeded \$27,000,000. There were hundreds of RFIs and over 400 revised drawings, more than 300 of which were for structural issues alone. The Parish authorized suit against the architect to attempt to recover something for these errors and omissions, although the available professional liability insurance was much less than the damages. In attempting to resolve the lawsuit without undue litigation expense since any recovery under the insurance policies was being reduced by the architect's defense cost, the Firm was able to successfully negotiate a settlement of nearly all of the claims against the architect and its subconsultants through early mediation. The facility is completed and in operation. The contractor asserted a claim for additional costs to complete the contract, most of which the design professional of record did not recommend. After participating in two mediations, the Parish and the contractor ultimately settled the dispute for much less than the contractor's varying claims.



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***Terrytown Gymnasium*** - This matter involved the default of a contractor after which the Firm advised the Parish on calling the performance and payment bonds. The Firm continued to advise the Parish throughout the completion of the gymnasium and the negotiation with the Surety over the more than \$500,000 in recorded claims, and more than \$500,000 in liquidated damages. After the Surety filed suit and the Parish filed its reconventional demand against the Surety, the parties mediated the case over the course of several months, ultimately resulting in a settlement pursuant to which the parish would pay the Surety less than the outstanding contract balance, which was the Surety's claim.

***Roy Frischhertz Construction Co. v. HANO*** – The Firm defended HANO, which was faced with an arbitration demand by the general contractor of more than \$500,000. It was mediated in lieu of arbitration and settled for \$118,000.

***N.O. Hornets Practice Facility*** - Claims for floor damage, remediation and the redesign and reconstruction of the HVAC system were made against the lead design professional who, in turn, made claims against its subconsultants. After several mediations it settled without litigation in less than 8 months after this Firm's involvement and without any disruption of the Hornets' practice needs. The design professionals contributed more than a million dollars to the overall settlement.

***West Baton Rouge Parish v. M.P. Dumesnil Construction, et al.*** - The Firm represented the insurer of a roofing contractor in a suit claiming faulty construction of a parish welcome center. Settlement of the owner's significant claim was achieved with only a small contribution on behalf of the insured plus waiver of the general contractor's indemnity demand.

***Johnston, et al v. N.G. Shepard, et al,*** - The Firm represented a general contractor in an extensive residential renovation case. Plaintiffs alleged interior damage due to water intrusion, structural deflection and permanent damage to floors caused by lack of support, along with probable permanent structural damage as a result of deflection and leaks and diminution of the home's value. Following discovery and development of appropriate defenses, which included the necessary retention of structural engineering, general contracting and carpentry experts, the matter was settled for a fraction of the damages sought.



**Administrative Law and Regulatory Practice/Business Law/  
Public Contract Law/State and Local Government Law/  
Municipal Representation (including liability and  
intergovernmental conflicts)**

**Knowledge and Experience**

We are AV rated with 34 years of experience representing public entities. These include Plaquemines Parish, Jefferson Parish, the City of Kenner, the City of New Orleans, Housing Authority of New Orleans, the Jefferson Parish Sheriffs' Office, the State of Louisiana, Louisiana Department of Insurance, Louisiana Department of Transportation and Development, the Insurance Commissioner, the Attorney General, the Office of Risk Management, Louisiana Insurance Guarantee Association and numerous political subdivisions/districts.

Our attorneys are intimately familiar with the intricacies of representing public bodies, including the statutes and immunities that affect public bodies at both the state and federal levels.

Our attorneys have successfully defended clients in major disputes concerning architects and engineers involving allegations of design deficiencies, damages and construction delays. We have also rendered advice on public and private works act lien issues as well as change orders and warranty issues after the completion of a contract. In addition, our Firm has drafted contracts and advised owners on contract administration issues for numerous major contracts.

Firm attorneys are very experienced with the enforcement of the public contracts laws in all phases, from bidding through contract completion and final payment procedures. Contracting disputes have involved bid disqualifications, advice on bid rejections, contract defaults, and termination change order review and negotiations, as well as drafting and performance and payment bond matters. Handled issues have often involved questions of architect or engineer liability as well as analysis of the validity of delay claims by contractors. All disputes are approached with the goal of achieving the most cost effective resolution for our clients.

**Results**

***James J. Donelon, Commissioner of Insurance for the State of Louisiana v. Distribution by Datagen, et al.*** - The Firm was a team member that secured a unanimous Louisiana Supreme Court opinion in favor of the insurance commissioner against Health Net, one of the largest health-care companies in America. The ruling totals more than \$180 million.

***Counsel for Jefferson Parish*** in its claim against FEMA for damage to flooded roadways in unincorporated Jefferson as a result of Hurricane Katrina. FEMA hotly contested eligibility and damages in this matter; denying the claim altogether and offering nothing in settlement until the





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morning of arbitration (before the Civilian Board of Contract Appeals in Washington, D.C.) The Firm negotiated a settlement for up to \$100,000,000 on the morning of arbitration.

***Hilda N. Garrison, et al v. Board of Supervisors of Louisiana State University*** - State-wide counsel for the State of Louisiana in a Hepatitis C medical malpractice class action suit that was filed on behalf of 200 plaintiffs. The Firm achieved dismissal of lawsuits against all state-owned facilities with no monies paid in settlement or judgment.

***State Wide Counsel for the State of Louisiana in Baycol Class Action*** - State-wide counsel for the State of Louisiana in which individuals alleged medical malpractice regarding the prescription drug Baycol. All suits were dismissed with no monies being paid by our clients.

***Shirley Aguzin v. Charles Chester, M.D. and Department of Health and Hospitals through Jefferson Parish Human Services Authority*** - State-wide counsel for the State of Louisiana in the Serzone Class Action, in which individuals alleged medical malpractice in the prescription of the anti-depressant Serzone against several public mental healthcare providers practicing at state and parish facilities. Full dismissals were obtained, with no compromises or judgments against our clients.

***Drafting (Front End) Construction Documents*** - Jefferson Parish engaged our Firm to rewrite all of its “front end” documents including the agreement, general conditions, and change order forms. Since that time, the construction contracts drafted by our Firm were used in hundreds of millions, if not billion dollars of public works projects. In addition, the Firm advised Jefferson Parish on its agreement with the United States Army Corps of Engineers for the Southeast Louisiana Flood Control Program. This involved nearly one billion dollars in drainage improvements throughout Jefferson Parish. Many were in close proximity to residences and businesses in the Parish and we defended the Parish against homeowner damage suits arising out of these construction projects.

***LVI Environmental Services*** – The Firm served as counsel for Jefferson Parish in a complex Public Works Act claim asserted by LVI Environmental Services, a Fortune 500 Company (“LVI”), and others, related to emergency cleaning and restoration services performed at many of the Parish’s buildings damaged during Hurricane Katrina. LVI alleged that the Parish and other contractors were indebted to it for a total of \$5.9 million. Another contractor also asserted a claim against the Parish seeking to recover \$12 million. After filing a claim against the Parish’s property insurer, the insurer paid the Parish an additional \$1 million, which effectively funded the Parish’s payments to settle the litigation. Further, we assisted the Parish with its claims and appeals against FEMA for the work done to its many buildings and the Parish’s insurance claim against its property insurer, both of which had denied the majority of the Parish’s claim.

***Computer Telemetry System*** – The Firm served as counsel for Jefferson Parish in a delay claim brought by an international contractor the Parish hired to install a system control and data acquisition system (SCADA computer telemetry system) throughout the Parish. The contractor was well represented by the largest law firm in Louisiana, but we were able to defeat the



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contractor's claim in its entirety. Jefferson Parish paid no money on this multi-million dollar claim and prevailed on its counter claim of \$1,000,000.

The Firm successfully handled numerous other complex matters for public owners involving hundreds of millions of dollars, including: Renovations to the Jefferson Parish Jail; East Bank Water Treatment Plant construction; the construction, and renovations of many pump stations; the Kelvin Landfill; the WB Sewerage Treatment Plant; the Kenner Planetarium; Guste Highrise and Elevator Tower; and the BW Cooper Maintenance Facility.

### **Labor and Employment Law/Tort Trial and Insurance Practice/Transportation Law/ Health Law**

#### **Knowledge and Experience**

Our insurance defense practice occasionally involves defending public bodies; however more often than not, the insured is a private property owner, commercial property owner or other non-governmental business being sued for an accident on his/her premises. Our insurance clients are exclusively Surplus Lines Carriers for their exposures throughout the State of Louisiana. Surplus Line Carriers write insurance for companies that have higher risk and more claims than the admitted carriers such as Allstate, State Farm, Travelers, etc., generally including commercial rental properties, restaurants, bars, supermarkets, etc. Virtually all of these cases are grounded in tort and a very large portion of them involves premises liability. At any given time, the Firm has a hundred or so active premises liability cases consisting of slip and falls on the premises, accidents caused by alleged defects in construction, injury to repairmen, injuries to tenants and environmental hazards (e.g. mold, asbestos, etc.).

We handle matters including products liability, commercial auto, long haul trucking, garage keeper's liability, construction defect matters, and others. We have represented contractors, garbage haulers, used car dealers, restaurants, bars, transportation companies, landowners, motels, clubs, Condominium & Homeowners Associations, corporations and public entities, among others.

Several of our attorneys specialize in Medical Malpractice, Health Care Defense and Employment Law most often for the State of Louisiana - Office of Risk Management, occasionally being brought in just weeks before trial. The Firm has represented physicians and other health care providers, hospital and nursing homes in malpractice and personal injury litigation for many years. Firm attorneys are often defending employment and discrimination related claims that occur in the numerous education facilities owned or operated by a subdivision or department of the State of Louisiana.

Our attorneys regularly provide guidance and counsel to clients regarding insurance coverage issues. We assist insurers with insurance coverage questions, provide coverage opinions and are prepared to defend those opinions in litigation should it be necessary. Our attorneys have





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extensive experience in advising clients on the interpretation of insurance contracts and the applicability of coverage exclusions. We are experienced in writing and responding to reservations of rights letters and dealing with insurance laws. We handle insurance coverage issues for insurance companies and insureds. Our experience in this difficult and detailed area of law allows us to provide guidance as well as counsel to our clients.

### Results

***John Edward Ludlow, Jr., et al vs. Crescent City Connection Marine Division, et al*** – The Firm represented the State of Louisiana against the plaintiff, who sat on a Canal Street Ferry vehicle barrier and fell, resulting in quadriplegia. Suit sought millions for the alleged failure to warn. DOTD argued it owed no duty because the dangers associated with sitting on the vehicle barrier were open and obvious to all. The two lower courts did not agree, citing unspecified disputed material facts. With two undeniable elements – the damages were real and severe, and liability was nonexistent – firm attorneys were challenged with obtaining a proper legal ruling on liability without trial and the incredible costs associated with it. Damage experts would have cost hundreds of thousands of dollars. By tailoring the argument to the judge’s proper role (resolve legal issues) and judicial efficiencies (resolve them pre-trial), Firm attorneys prevailed by conducting the proper analysis of recent Supreme Court decisions holding that whether something is open and obvious, whether something is unreasonably dangerous, and whether a duty is owed are by their very nature legal issues appropriate to resolution by the judge in summary judgment. The well-crafted motion left no issue with material facts, leaving the Justices free to conduct the required legal balancing test and leading to the victory.

***Mary Fiveash v. Pat O’Brien Bar, Inc., et al.*** - Firm attorneys tried a trip and fall case in Orleans Parish involving a plaintiff who mis-stepped while exiting one of the bars flanking the carriageway of the historic building housing Pat O’Brien’s, and stumbled and struck a brick wall across the carriageway sustaining injuries. At the conclusion of trial, plaintiff’s attorneys asked the jury to enter judgment against Pat O’Brien’s Bar, Inc., arguing for liability and proposing damages in excess of \$500,000. Plaintiff’s counsel also asserted a claim of spoliation of evidence against the defendants. The jury declined both requests, returning a defense verdict for the defendants. The jury found that plaintiff failed to prove the existence of a defective condition at Pat O’Brien’s Bar, Inc. that caused or contributed to plaintiff’s fall, and the claim was rejected.

***Retha Simmons, Administratrix of the Estate of Melvin R. Simmons, Retha Simmons, on behalf of all wrongful death beneficiaries of Melvin R. Simmons and Retha Simmons, individually v. Jackson County, Mississippi, Joe O’Neal, in his capacity as Jackson County Road Manager, Mallette Brothers Construction Company and John Does 1-10*** - The Firm secured a defense verdict in a Mississippi road-construction, wrongful death case following a five-day jury trial in Jackson County, Mississippi. Plaintiffs sued a paving and asphalt contractor and the local county government for their alleged combined fault in causing the single vehicle accident. The decedent drove or “fell” off the newly paved road, allegedly was unable to correct or re-steer onto the roadway due to a steep drop off or low shoulder caused by the paving operation, struck an intersecting roadway and was ejected from the vehicle and perished. Plaintiffs alleged that the insured’s paving operations created a hazard on the roadway and that, further, the insured failed to warn the motoring public and the



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decendent of the hazard by failing to install or maintain low or no shoulder warning signs at the site. Plaintiffs sought economic and general damages and additionally claimed punitive damages. While asserting the usual defenses to duty and breach thereof, Firm attorneys specifically pushed back against plaintiffs' proximate cause position. Critically, this defense was crystallized by exposing the pre-trial opinions of plaintiffs' own accident reconstruction expert, who testified at trial in manner contrary to his report and discovery deposition. Mid-trial motion practice successfully discharged the negligence per se, joint venture (with the county) and punitive damage claims, but the trial judge preserved the simple negligence claim for consideration and determination by the jury. The jury, hearing the claims against the insured paving contractor reached only the first question on the jury verdict form: Was [the insured] negligent and did the negligence of [the insured] proximately cause or contribute to [plaintiffs' decendent's] single vehicle accident and subsequent death? The jury answered: "No."

***Karlin Riley v. Rachel Lee Hollander, et al.*** - During the five-day jury trial which began on April 17, 2019, Plaintiff Karlin Riley filed his suit, complaining of injuries caused by a **rear-end accident** on I-10 East just outside Laplace, Louisiana. At trial, plaintiff presented evidence of spinal pathologies in the cervical and lumbar spine and offered the testimony of his treating neurosurgeon, who recommended not one but two spinal fusion procedures. In addition to the pretrial liability ruling, the defense was hampered by the lack of any evidence of significant prior accidents, injuries or claims. Plaintiff's life care planner and forensic economist proposed special damages of nearly \$1.5 million, and at the conclusion of trial, plaintiff's counsel suggested that the jury enter an award just shy of \$3.5 million. Instead, the jury answered only the first question of the jury verdict form: "Did Karlin Riley suffer an injury as a result of the October 16, 2015, automobile accident?" The jury answered "No."

***Kandise M. Snider v. New Hampshire Insurance Company, et al.*** - Firm attorneys secured a \$0 jury verdict after a weeklong trial in Federal Court in a case involving a high speed three-vehicle trucking accident in which a co-defendant truck collided with our insured's truck before striking plaintiff's vehicle. Plaintiff was well-represented by a firm who recently was successful in obtaining a \$51 million dollar verdict in a well-publicized trucking case. Plaintiff initially demanded a \$1 million settlement from our insured and threatened to seek an excess verdict. They argued that our insured driver was negligent for slowing on the interstate and went so far as to claim our insured company was negligent for hiring and retaining the driver and asked the jury for several million dollars. Despite being the only defendant left at trial, Firm attorneys convinced the jury that our insured was also blame-free and obtained a zero defense verdict.

***Michael Prescott v. The Board of Supervisors for the University of Louisiana System*** - The Plaintiff filed an initial lawsuit asserting racial discrimination, harassment, and retaliation in the U.S. District Court for the Eastern District of Louisiana under Title VII. The discrimination claims were dismissed on summary judgment, but the harassment and retaliation claims proceeded to trial. Following a five day jury trial Firm attorneys obtained a unanimous defense jury verdict dismissing all of Prescott's claims.

Shortly before trial in the first lawsuit, Prescott filed a second lawsuit in state court, this time alleging that his termination violated his rights as a police officer under the Louisiana Police



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Officers' Bill of Rights. This claim was dismissed from the federal court lawsuit due to the State's Eleventh Amendment immunity from state law claims in federal court. Our Firm filed a Motion for Summary Judgment seeking dismissal of this claim. The Firm obtained dismissal of the second state court lawsuit on summary judgment based on Prescott's failure to prove that he was entitled to any rights under the Police Officers' Bill of Rights.

***Patricia Bourque v. Essex Insurance Company, et al*** - The plaintiff sued defendant, seeking damages arising from alleged negligence in the completion of repairs performed at the plaintiff's residence. Plaintiff alleged that she sustained significant personal injuries requiring surgical treatment of her shoulder and cervical spine, plus multiple lumbar spine surgeries. In addition, plaintiff alleged entitlement to future damages for migraine headache syndrome. Past medical expenses totaled \$453,000, and plaintiff asserted future medical expenses for \$117,000. In closing argument, plaintiff asked for damages in excess of \$1.75 million. A unanimous jury declined to find liability, instead entering a take-nothing verdict against plaintiff.

***Mary Ann Pittman v. Kite Bros., LLC, et al.*** - The Firm successfully represented John Holliday, his company, and his insurer in a five-day jury trial in Beauregard Parish. Plaintiff alleged Holliday rear-ended her Ford F150 pick-up truck with his bulldozer while she was stuck in the mud. Holliday denied it; witnesses supported both accounts. Plaintiff asked for in excess of \$1.1 million for a two level discectomy with plate and cadaver bone placement and a right carpal tunnel release. After heavy cross-examination, the jury remained impressed with the firm's medical expert who walked them through plaintiff's two pre-surgery MRI films, something plaintiff's treating surgeon did not do. In the end, the jury believed the defense and reached a no liability defense verdict.

***David Stewart, et al v. Auguillard Construction Company, Inc. and Worley's Tree Service, Inc.*** - The parents and guardians of a young child and her mother, both permanently disabled in a car accident, litigated claims involving a FEMA contractor and others in Alabama state court. They re-filed in Civil District Court in New Orleans, after the Alabama defendants settled for over \$10 million. The suit was removed to federal court and survived a motion to remand. Our Motion to Dismiss was granted and the suit was dismissed without payment by our clients.

***Iles v. Ogden, et al*** - In a challenge to the Louisiana statutory reimbursement scheme for payment of future medical expenses, which included a claim of unconstitutional violations of both the Louisiana and the United States constitutions, the Firm attorneys negotiated resolution of the dispute while preserving the integrity of the statutory payment process.

***Kathleen Hill Tilden v. Blanca, LLC, et al*** - Alleged slip and fall accident in restaurant, tried to jury over four days. The dispute centered on the purportedly "sweaty" condition of the tiled floors of an 1860s-era New Orleans warehouse building converted to an upscale and popular restaurant. While there was no doubt that plaintiff fell to the floor, knowledge of any condition which could have caused her to fall was specifically denied by the insured, who also generally denied that the tiled floors regularly became slippery due to condensation. Plaintiff claimed she



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suffered a herniated disc in her neck, rotator cuff tears in both shoulders that required surgery, and depression. Plaintiff incurred medical bills of \$180,000, lost wages of \$110,000, and asked for a total of \$1.1 million dollars in closing argument. The jury returned a unanimous, take-nothing verdict in just over 15 minutes.

***Michael Treadway, et al vs. Terry Lisotta, La. Citizens Property Ins. Co., et al.*** - The Firm represented a former Louisiana Department of Insurance employee in this class action lawsuit in United States District Court wherein plaintiffs claimed recovery for actions taken in connection with Louisiana Citizens Property and Casualty Company. Firm attorneys secured dismissal of the matter without payment on a Rule 12 Motion to Dismiss.

### Health Law Results

***Sherri L. Chandler v. State of Louisiana, et al.*** -The Firm assumed the defense of a case only months before trial started which was filed in Orleans Parish Civil District Court in 7 years prior. The plaintiff was well-represented by a local and experienced trial attorney who specializes in plaintiff medical malpractice. The plaintiff alleged LSU surgeons deviated from the standard of care during a diagnostic laparoscopic surgery performed at MCLNO in 2007. The plaintiff alleged the LSU surgeons damaged her external iliac artery, strayed from the appropriate operative field, ignored her post-operative complaints of leg pain and failed to obtain a vascular consult. The State denied damaging the external iliac artery, straying from the operative field, and ignoring plaintiff's complaints. At the close of plaintiff's case, firm attorneys moved for directed verdicts on lost wages and future medical expenses, which were granted by the trial Judge. After deliberating for about four hours, the jury answered "No" to the following question "Do you find by a preponderance of the evidence that defendant LSU breached the standard of care in its treatment of plaintiff?" This ended the deliberation with an 11-1 defense verdict on liability.

***Statewide Counsel for the State of Louisiana in Hepatitis C Class Action*** - The Firm defended over 50 state owned facilities against a Hepatitis C medical malpractice class action suit that was filed on behalf of 200 plaintiffs. The Firm achieved dismissal of all state hospitals after several years of litigation, resulting in no monies being paid in settlement or judgment.

***Statewide Counsel for the State of Louisiana in Serzone Class Action*** - The Firm acted as statewide counsel for public mental health care providers defending allegations of medical malpractice in the prescription of the anti-depressant Serzone. The litigation was consolidated to an MDL (multi-district litigation) convened at Charleston, West Virginia. The Firm obtained full dismissal of all claims after extensive discovery, with no compromises or judgments against our clients.

***State Wide Counsel for the State of Louisiana in Baycol Class Action*** - Individuals alleged medical malpractice in the prescription drug Baycol against physicians practicing at state facilities. Dismissals were obtained with no monies being paid by or on behalf of our clients.



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***Barthelemy v. Mountcastle*** – The Firm secured a *\$0 defense verdict* in a medical malpractice action involving allegations of intraoperative complications in a colon resection operation performed by both a staff and resident surgeon. The verdict was affirmed on appeal, and, of particular note, the Louisiana Court of Appeal for the Fourth Circuit authored a decision in fervent support of the teaching system at public hospitals.

***Katrina Medical Malpractice Claims*** - After years of litigation, we were successful in securing the dismissal of medical malpractice claims against the Medical Center of Louisiana in New Orleans arising out of Hurricane Katrina, *without payout or judgment against the State*.

***Theresa Green vs. LSU Health Sciences Center-NO*** – The Firm was retained by the State of Louisiana 30 days prior to trial to serve as co-trial counsel in the defense of a medical malpractice case. The claim involved an elderly woman treated by LSU staff physicians at University Hospital. The medical review panel concluded that the injury sustained was a known risk of the surgery, that the operating physicians had not committed malpractice during the performance of the surgery, and that the patient accordingly was not entitled to recover from the doctors. The patient thereafter filed suit in the Civil District Court for the Parish of Orleans. At the conclusion of trial, the jury retired to deliberate and in barely an hour returned a defense verdict in favor of the defendant physicians, finding no malpractice and exonerating them in all respects

***Handy v. Louisiana State Univ. Med. Ctr.*** - The case involved a claim that a teenage girl's benign brain tumor was misdiagnosed as malignant and was the cause of intermittent epileptic seizures. Due to the alleged misdiagnosis, extensive brain surgery was performed to remove the tumor, as well as some surrounding brain tissue. It was determined post-operatively that the tumor was benign. Plaintiff claimed the surgery was unnecessary and resulted in the loss of brain tissue that left plaintiff with various cognitive and neurological impairments. After a five day jury trial in CDC, and several hours of jury deliberations, the jury returned a defense verdict in favor of our surgeon client.





## **Civil Rights and the Constitution/Ethics Law**

### **Knowledge and Experience**

Our attorneys have represented and continue to represent government entities against allegations of civil rights violations in a number of instances, filed both as individuals and class actions. These matters are often high profile cases that require not only management over the litigation, but the impact of the media attention and public perception.

### **Results**

***Alana Cain, et al v. Orleans Parish Criminal District Court; Adrian Caliste, et al v. Magistrate Judge Harry Cantrell***– In two high profile federal cases involving civil rights and constitutional law complaints filed by New York and Washington public interest law firms the plaintiffs challenge (1) the manner in which the State of Louisiana funds operations in Orleans Parish Criminal District Court by relying on fines and fees assessed by the court's judges against criminal defendants (Cain) and (2) the manner in which bail is set for criminal defendants. Most but not all of plaintiffs' claims were dismissed on cross-motions for summary judgment in the district court; the claims that were not dismissed were appealed to the U.S. Fifth Circuit and thereafter to the U.S. Supreme Court.

***DeRay McKesson et al v City of Baton Rouge, et al*** – Several class actions were filed against the Parish, City, the District Attorney, the Sheriff and the State Police stemming from the local and out of state groups protests following the shooting death of Alton Sterling in Baton Rouge, Louisiana. About 200 individuals were arrested. Firm attorneys, representing the state police, worked hard with all sides and the result was a heavily negotiated Memorandum of Understanding about the lawful way to protest that all litigants signed on. Class representatives included prominent activists and members of the group Black Lives Matter. Through active negotiations and settlement efforts by the Firm, the class action litigation was ultimately settled with other defendant law enforcement and municipal entities paying virtually the entire settlement and the State Police making only a very nominal contribution.

***Lyle Dotson, et al v. Col. Michael Edmonson, et al.*** - Amidst media attention and involvement of national interest groups, the Firm obtained a zero defense jury verdict on behalf of four Louisiana State Police Troopers in a federal civil rights action. The plaintiff alleged that he was falsely stopped, handcuffed, subjected to excessive force and arrested in violation of his Fourth Amendment constitutional rights. State Troopers arrested the plaintiff after he kicked an officer – twice. The plaintiff further accused the Louisiana State Police Department of demonstrating a pattern and practice of unconstitutional acts of racial profiling and harassment and accused the former State Police superintendent of adopting unconstitutional policies and failing to properly train the officers under his command. . The jury determined that a technical violation occurred on only a single claim but concluded that the violation caused no damages to plaintiff and awarded him nothing.





***Tony Crawford, et al v. State of Louisiana, et al.*** - Department of Health and Hospitals Over 50 Non-Emergency Medical Transportation Providers sued the State of Louisiana, the Department of Health and Hospitals and its Secretary, as well as present and former Department of Health and Hospital employees for slavery/involuntary servitude, employment discrimination, racial discrimination, equal protection and due process violations. Plaintiffs sought more than \$300,000,000 in damages. By motions, Firm attorneys proved that plaintiffs' allegations were wrong and plaintiffs were unable to create a disputed material fact. The court agreed that Non-Emergency Medical Transportation Providers do not provide medical services during transport, while Non-Emergency Ambulance Providers do. Plaintiffs were represented by both Washington DC and local attorneys. Less than 6 months after the initial assignment, Firm attorneys were successful in securing a dismissal of the entire case.

***Nelson Arce and Lazaro Arce v. State of Louisiana et al.*** – The plaintiff, a deaf individual whose expressed, preferred, and most effective means of communication is American Sign Language ("ASL"), filed suit in Federal Court, alleging that probation officers violated the Americans with Disabilities Act by refusing to provide certified sign language interpreters for probation meetings. The plaintiff alleged that because the conditions of probation were not properly explained to him in sign language, he inadvertently violated probation, resulting in a 90-day jail sentence and extreme emotional distress. Plaintiff was represented by New York City-based disability rights attorneys who specialize in advocating for deaf individuals. At a five-day jury trial, Firm attorneys convinced the jury that the plaintiff did in fact understand the conditions of probation, that plaintiff's probation violation was not inadvertent, and that the probation officers had worked diligently to assist plaintiff in understanding and complying with the terms of his probation. Further, Firm attorneys demonstrated that despite plaintiff's evidence otherwise, he did not suffer from emotional distress. Prior to trial, the court granted the Firm's motion to dismiss the claims of the plaintiff's father, who claimed that he was forced to interpret for his son agreeing that he failed to state a claim under the ADA.

***Holmes v. State of Louisiana, et al*** - the Firm obtained a favorable settlement of a wrongful death claim alleging government workers unconstitutionally used excessive force against a minor.

***Adele Louviere v. City of Thibodaux, et al*** – In this federal civil rights action brought under §1983 for alleged police misconduct by Thibodaux Police Department, the jury came back with a verdict in favor of plaintiffs at trial in 32 JDC. Subsequently, through the efforts of Firm attorneys, the entire judgment was reversed on appeal in First Circuit.

***Roy L. Colbert, Jr. and Latronia Gipson, et al. v. Fontana Police Department, et al***, USDC, Los Angeles, 9<sup>th</sup> Circuit, No. 07-55858; D.C. No. CV-05-07060-GPS – The Firm's attorney's defended the Fontana Police Department and its officers in this civil rights case arising from a road rage- near car-jacking incident. Plaintiff was a long-time and well-known local criminal. There was extensive discovery. Our Attorney's summary judgment was granted on all causes of action and affirmed following oral argument in the Ninth Circuit.



***Patrick O'Brien v. Department of Public Safety and Corrections of the State of Louisiana, et al*** – the Firm represented a corrections Officer with Rayburn Correctional Center in a civil rights suit brought by an inmate at the Rayburn Correctional Center alleging that he was physically and mentally abused, neglected and tortured by several correctional officers at the facility. The Firm successfully secured a dismissal of the official capacity claims under §1983 and settled the individual claims under §1983.

## **Complex Litigation (including asbestos litigation)**

### **Knowledge and Experience**

Above all, we brand ourselves as “Complex Litigation Attorneys”, stating that first on our website. Indeed, three of the Firm’s principal practice areas - construction, tort/insurance defense, and medical malpractice - result in numerous class action lawsuits. The Firm has defended more than fifty or so class action suits over the years. These matters include but are not limited to: claims that a building is "toxic" or full of mold; flooding claims involving tens or hundreds of thousands of claimants; prescription medications; and tainted blood products. Many of these matters are/or were litigated by our Firm in Federal Court.

Since the Firm began handling class action litigation in the early 1990s, we have not only defeated class certification in most of cases but have also successfully negotiated class action settlements or settlement of the underlying lawsuits with no money paid in settlement. Please note that many of these matters were filed in Federal Court, and initially and virtually all of the complex medical malpractice cases were filed as jury trials. Our lawyers try and win a number of these matters each year.

### **Results**

***Please note that 100% of the following matters were handled for government agencies, including municipalities.***

***Alana Cain, et al v. City of New Orleans, et al*** – In a high profile civil-rights litigation local and out of state public interest law firms seek to change the manner in which Louisiana funds its courts. The plaintiffs and the proposed class are criminal defendants who challenge the constitutionality of several state statutes, the manner in which the court collects fines and fees, and various aspects of the Sheriff’s operations. Most but not all of plaintiffs’ claims were dismissed on cross-motions for summary judgment in the district court; the claims that were not dismissed were appealed to the U.S. Fifth Circuit and thereafter to the U.S. Supreme Court.

***DeRay McKesson et al v City of Baton Rouge, et al*** – Several class actions were filed against the Parish, City, the District Attorney, the Sheriff and the State Police stemming from the local and out of state groups protests following the shooting death of Alton Sterling in Baton Rouge,



## Statement of Qualifications for Jefferson Parish

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Louisiana. About 200 individuals were arrested. Firm attorneys, representing the state police, worked hard with all sides and the result was a heavily negotiated Memorandum of Understanding about the lawful way to protest that all litigants signed on. Class representatives included prominent activists and members of the group Black Lives Matter. Through active negotiations and settlement efforts by the Firm, the class action litigation was ultimately settled with other defendant law enforcement and municipal entities paying virtually the entire settlement and the State Police making only a very nominal contribution.

***FEMA/Disaster Recovery*** - Burglass attorneys reached a settlement with FEMA on behalf of a local Parish government to secure up to \$100,000,000 to make repairs to streets and roads in unincorporated portions of the Parish that flooded during Katrina.

***Counsel for all Katrina-related flooding lawsuits and class actions against local Parish - The Firm obtained dismissal of many of these class actions in Federal Court, with no money being paid.*** These putative classes potentially included several hundred thousand plaintiffs. Dismissal was obtained on jurisdictional grounds with no monies being paid by or on behalf of defendants represented by the Firm.

***Chicago Properties v. Jefferson Parish*** - The Firm defended Jefferson Parish and the Parish President at the time in multiple consolidated class actions brought by homeowners who flooded during Hurricane Katrina; defendants were alleged to have been guilty of negligence and willful misconduct on a number of grounds, including in the drafting of an emergency operations plan calling for the evacuation of drainage pump operators in face of catastrophic hurricane (Cat 4 or 5). All three of the federal and four of the state class actions were dismissed on pretrial motions with no payment made by the Parish. The remaining eight class actions were consolidated and proceeded to trial. After a four-week jury trial, a verdict was rendered in favor of the Parish, finding no liability on the Parish's part on any of plaintiffs' allegations and resulting in a judgment of dismissal entered in the Parish's favor.

***Maurice De La Houssaye, et al. v. The Parish of Jefferson, et al*** - Counsel for Jefferson Parish, Consolidated Drainage District No. 2, and Aaron Broussard in Katrina-related putative class actions in state court related to the flooding of hundreds of homes and businesses in Old Metairie. The Court declined to certify this matter as a class action.

***Michael Treadway, et al vs. Terry Lisotta, Property Ins. Assoc of LA., (PIAL), La. Citizens Property Ins. Co., Chad Brown, Jeff Albright, Caryl Mathes, Mike Ely, Joelle Lapreze, Hal Steil, et al.*** - The Firm represented a former Louisiana Department of Insurance employee in this class action lawsuit in United States District Court wherein plaintiffs claimed recovery for actions taken in connection with Louisiana Citizens Property and Casualty Company. Burglass attorneys secured dismissal of the matter without payment on a Rule 12 Motion to Dismiss.

***One Billion Dollar Drainage Improvement Program*** - Advised local Parish on their cooperative agreement with the United States Army Corps of Engineers for the Southeast Louisiana (SELA) Flood Control Program. The Firm further successfully defended the Parish in numerous homeowner damage suits arising out of the related construction projects.



Statement of Qualifications for Jefferson Parish  
Page 18

***Flooding Class Action*** - The Firm was counsel for the Parish in all flood-related claims (approximately 15,000 homeowners, businesses, etc.) and the class action arising out of the May 8, 1995 flood in the Soniat Canal area of the Parish. The Firm obtained dismissal of all claims while paying no money.

***Tropical Storm Isidore Class Action*** – The Firm successfully obtained denial of class certification in the Tropical Storm Isidore Class Action Litigation and won summary judgment dismissal of a second Isidore case on a discretionary function basis.

***Claiborne v. HANO, et al*** - class action of 30 years' worth of public housing development residents seeking recovery of damages for exposure to toxic mold resulting from leaking roofs, decrepit plumbing, etc. The Firm represented two individual developments, B.W. Cooper and Guste Homes. Trial court granted defense exception of prescription, reversed on procedural grounds by Fourth Circuit, currently on appeal in Supreme Court.

## **Oil Spill Litigation**

### **Knowledge and Experience**

Firm attorneys have many years of experience representing drilling contractors and oil companies such as Texaco, Ocean Drilling & Exploration Company (ODECO), Bay Drilling Corporation, Rowan Drilling contractors, and many more. These involved jack-up rigs, submersibles, semi-submersibles and platforms. Claims involved blowouts, explosions, personal injuries, & pollution.

### **Results**

We have handled 50+ Limitation of Liability actions, many of which involved pollution claims. Chris Tankersley was a staff attorney with the Maritime Administration in Washington, D.C. and was Associate General Counsel of Lykes Brothers Steamship Company for many years. He is intimately familiar with the intricacies of federal regulation. Bruce Burglass was formerly a partner in the Maritime section of Lemle & Kelleher.

We are part of a team of four law firms prosecuting coastal zone claims to ensure compliance with coastal zone laws, statutes and regulations for the Parish of Jefferson and Parish of Plaquemines.



## Science and Technology Law

### Knowledge and Experience

The Firm is a member of the The International Association of Privacy Professionals (IAPPP), which is an association founded in 2000 with a mission to define, promote and improve the privacy profession globally. The IAPP is responsible for developing and launching the first broad-based credentialing program in information privacy, the Certified Information Privacy Professional (CIPP), and the Certified Information Privacy Manager (CIPM), the first and only global certification programs in privacy program management. The CIPP and CIPM are the leading privacy certifications for thousands of professionals around the world who serve the data protection, information auditing, information security, legal compliance and/or risk management needs of their organizations. Members of the Firm, and the Firm itself, have been certified by the IAPP as Certified Information Privacy Professionals after passing rigorous tests.

### Results

***Computer Telemetry System*** – The Firm defended Jefferson Parish in a delay claim brought by an international contractor hired to install a system control and data acquisition system (SCADA computer telemetry system) throughout the Parish. The contractor was well represented by the largest law firm in Louisiana. We were able to defeat the contractor's claim in its entirety. Jefferson Parish paid no money on this multi-million dollar claim and prevailed on its counter claim of \$1,000,000.00.

**See attached completed Professional Legal Services Questionnaire followed by Attachment A-Jefferson Parish Results and Attachment B - References.**

**No subcontractors will assist in providing legal services.**

Respectfully Submitted,

BRUCE D. BURGLASS, JR., ESQ. (Bar #14112)  
CHRISTOPHER K. TANKERSLEY, ESQ. (Bar # 19176)  
ANDRÉ C. GAUDIN, ESQ (Bar # 20191)  
Burglass Tankersley Gaudin Phayer  
5213 Airline Drive  
Metairie, LA 70001  
Phone: (504) 836-0407 Telefax: (504) 287-0447  
[bburglass@burglass.com](mailto:bburglass@burglass.com)  
[ctankersley@burglass.com](mailto:ctankersley@burglass.com)  
[agaudin@burglass.com](mailto:agaudin@burglass.com)

## Professional Legal Services Questionnaire

### A. Person or Firm Name & Principal Address:

Burglass Tankersley Gaudin Phayer  
5213 Airline Drive  
Metairie, LA 70001

### B. Name, Title, & contact information of Firm Representative, as defined in Section 2-926 of the Jefferson Parish Code of Ordinances, who is licensed to practice law in the State of Louisiana with a minimum of five (5) years' experience:

Bruce D. Burglass, Jr.  
Manager  
bburglass@burglass.com  
(504)931-7787

### C. Location of the principal:

5213 Airline Drive  
Metairie, LA 70001

### D. Please check the legal field or fields in which Firm is qualified to perform services for Jefferson Parish and include the number of years of experience in that particular field.

<input type="checkbox"/> Bond Services (Years: _____)	<input checked="" type="checkbox"/> Science & Technology Law (Years: <u>30+</u> )
<input type="checkbox"/> Elections (Years: _____)	<input checked="" type="checkbox"/> State & Local Government Law (Years: <u>100+</u> )
<input checked="" type="checkbox"/> Administrative & Regulatory (Years: <u>100+</u> )	<input type="checkbox"/> Taxation (Years: _____)
<input type="checkbox"/> Antitrust Law (Years: _____)	<input checked="" type="checkbox"/> Tort Trial & Insurance Practices (Years: <u>150+</u> )
<input checked="" type="checkbox"/> Business Law (Years: <u>100+</u> )	<input checked="" type="checkbox"/> Complex Litigation (including asbestos litigation) (Years: <u>100+</u> )
<input type="checkbox"/> Criminal Justice (Years: _____)	<input type="checkbox"/> Securities (Years: _____)
<input type="checkbox"/> Dispute Resolution (Years: _____)	<input checked="" type="checkbox"/> Ethics Law (Years: <u>100+</u> )
<input type="checkbox"/> Environmental, Energy & Resources (Years: _____)	<input type="checkbox"/> Civil Service Matters (Years: _____)
<input checked="" type="checkbox"/> Health Law (Years: <u>100+</u> )	<input checked="" type="checkbox"/> Civil Rights & the Constitution (Years: <u>75+</u> )
<input type="checkbox"/> Intellectual Property (Years: _____)	<input checked="" type="checkbox"/> Municipal Representation (including liability & intergovernmental conflicts) (Years: <u>100+</u> )
<input type="checkbox"/> International Law (Years: _____)	<input type="checkbox"/> Code Enforcement Matters (Years: _____)
<input checked="" type="checkbox"/> Labor & Employment Law (Years: <u>60+</u> )	
<input checked="" type="checkbox"/> Public Contract Law (Years: <u>100+</u> )	



## Professional Legal Services Questionnaire

<input type="checkbox"/> Public Utilities Law (Years: _____) <input type="checkbox"/> Communications Law (Years: _____) <input checked="" type="checkbox"/> Transportation Law (Years: <u>100+</u> ) <input checked="" type="checkbox"/> Property (Years: <u>100+</u> ) <input type="checkbox"/> Trust & Estate Law (Years: _____) <input type="checkbox"/> Other/specific project as required by the advertisement (Years: _____)	<input checked="" type="checkbox"/> Oil Spill Litigation (Years: <u>25+</u> ) <input type="checkbox"/> Public Finance (Years: _____) <input type="checkbox"/> Land Use, Planning & Zoning Law (Years: _____) <input type="checkbox"/> Economic Development (Years: _____) <input checked="" type="checkbox"/> Construction Law (Years: <u>100+</u> )
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**E. List all subcontractors anticipated for this Project. Please note that all subcontractors must submit a fully completed copy of this questionnaire, applicable licenses, and any other information required by the advertisement. See Jefferson Parish Code of Ordinances, Sec. 2-928(a)(3). Please attach additional pages if necessary.**

Name & Address:	Specialty:	Worked with Firm Before (Yes or No):
1. NONE		
2. NONE		
3. NONE		
4. NONE		

## Professional Legal Services Questionnaire

### **F. Professional Training and experience in relation to the type of work required for the outside legal services.**

We are aggressive, effective, innovative, responsive, technologically savvy, cost-conscious and highly motivated. Our attorneys possess diverse educational, work and legal backgrounds. Our Litigators, of which 25% are female, possess an average of 20 years of experience most of which was spent working together at the Firm. A key factor that differentiates us from our competitors is efficiency and training through collaboration, both with our clients and amongst our attorneys, administration, paralegals and secretaries. Our open active internal collaboration leverages the knowledge of the entire Firm allowing for more effective representation, depth of knowledge and growth of the junior associates.

The Firm has an AV Martindale-Hubbell Peer Review Rating. We have 100 appellate and Supreme Court cases in the books. We have paralegals and other professionals with access to Westlaw, Lexis Nexis and other commonly used databases. We serve many clients for all of their Louisiana cases, while regularly providing both consulting and training for their internal staff.

We have lawyers with licenses and experience in other states, all maintained for the benefit of our clients. Our lawyers embrace new certifications and maintain memberships in the Claims & Litigation Management Alliance in addition to the various bar associations throughout Louisiana and the country.

Technology training initiatives are routinely conducted to ensure that our staff utilizes all aspects of our cutting edge technology. Partners, associates, paralegals and secretaries understand the protocols and guidelines for each client, and through the use of our technology, guarantee adherence to these policies.

Our extensive public law practice has allowed us to become very comfortable when dealing with Governors, Insurance Commissioners, Senators, Representatives, Legislative Committees, Mayors, Parish Presidents, City and Parish Councils, federal agencies and their staff. We have experience with parallel criminal action requiring us to cooperate with the FBI and US attorneys. With a combined 200 years of public law experience, we can greatly assist Jefferson Parish with its legal needs. Approximately 50% of our practice is representing public bodies. Our construction practice is 75% for public bodies. And, 100% of our medical malpractice defense work is for public bodies. Our website is the most current source of information on our Firm, our staff and our results.

### **G. Size of Firm and capacity for timely completion of newly assigned work considering the number of professional and support personnel required to perform the type of outside legal services tasks and the Firm's current unfinished workload.**

Collaboration of our 17 lawyers and 10 administrative support team members, along with our dynamic technology environment, allows for our Firm to not only complete newly assigned work, but handle this work efficiently and cost effectively for our clients. Our training and supervision practices ensure that all work is maintained at a high level. Through weekly and monthly meetings of our approximate 425 open cases, case loads are monitored and seamless assistance is readily available. Round table discussions, in addition to the constant one-on-one collaboration, ensure that each client is benefiting from the Firm's entire breadth of knowledge. The Firm is very efficient at staffing matters as required, and its lawyers function very well as a team. Our senior litigators have practiced together for the past 20 years. With two full-time paralegals and a pool of paralegal trained assistants, attorneys are able to focus fully on each file at appropriate levels.

Given the depth and experience of our governmental lawyers, we are prepared to assist the Parish in any matter large or small, as needed. By way of example, Jefferson Parish contacted our Firm in September, 2009 to consult, and ultimately engage us to pursue its multi-million dollar claim against FEMA. At the time we were retained, comprehensive expert reports in lieu of live testimony were due in this extremely complex matter in 30 days, with the arbitration set to start in only four and a half months. Because of our experience, and dedicated personnel, we easily met these deadlines and secured a settlement of \$100,000,000 on the morning of arbitration.

As a smaller firm with advanced resources and talent, we provide expertise, efficiencies, exceptional customer service coupled with the agility to implement improvements quickly and thereby surpass the capabilities of much larger firms. We continue to evolve and successfully outpace all firms of our size through technological innovation and the application of best practices. We understand that personal attention and service to each client is fundamental to legal success. Our lawyers are dedicated to our clients' needs and objectives.

## Professional Legal Services Questionnaire

<b>i. Please specify the total number of support staff that may assist in the completion of a matter for each area of the law selected above: <u>10</u></b>		
<b>ii. List any attorneys that may assist in the completion of a matter for each area of the law selected above. If necessary, please attach additional documentation that demonstrates the employment history and experience of the Firm's attorneys that may assist in the completion of this Project (i.e. resume). Please attach additional pages if necessary.</b>		
Name:	Legal Field:	Years of Experience in Legal Field:
<b>1.</b> Bruce D. Burglass, Jr. Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law; Labor and Employment Law	39
<b>2.</b> Christopher K. Tankersley, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law; Labor and Employment Law	48
<b>3.</b> Dennis J. Phayer, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law; Labor and Employment Law	44
<b>4.</b> Andr� C. Gaudin, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law; Labor and Employment Law	33
<b>5.</b> Scott O. Gaspard, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law; Labor and Employment Law	28

## Professional Legal Services Questionnaire

<b>i. Please specify the total number of support staff that may assist in the completion of a matter for each area of the law selected above: <u>10</u></b>		
<b>ii. List any attorneys that may assist in the completion of a matter for each area of the law selected above. If necessary, please attach additional documentation that demonstrates the employment history and experience of the Firm's attorneys that may assist in the completion of this Project (i.e. resume). Please attach additional pages if necessary.</b>		
Name:	Legal Field:	Years of Experience in Legal Field:
<b>1.</b> Sue A. Buser, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Ethics Law, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law	36
<b>2.</b> Michael Joey Bernard, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Ethics Law, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law; Labor and Employment Law	36
<b>3.</b> Ron L. Riggle, Esq.	Business Law, Tort Trial and Insurance Practice, Complex Litigation, Securities, Ethics Law, Transportation Law, Construction Law	30
<b>4.</b> Mary K. Peyton, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Labor and Employment Law, Public Contract Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Ethics Law, Civil Rights and Constitution, Transportation Law, Construction Law	27
<b>5.</b> Brandi Ermon Feibleman, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law	23

## Professional Legal Services Questionnaire

i. Please specify the total number of support staff that may assist in the completion of a matter for each area of the law selected above: 10

ii. List any attorneys that may assist in the completion of a matter for each area of the law selected above. If necessary, please attach additional documentation that demonstrates the employment history and experience of the Firm's attorneys that may assist in the completion of this Project (i.e. resume). Please attach additional pages if necessary.

Name:	Legal Field:	Years of Experience in Legal Field:
1. Gregory C. Farhenholt, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law; Labor and Employment Law	20
2. Joseph J. Valencino, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Ethics Law, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law	20
3. E. Alexis Bevis, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law	19
4. Jonathan H. Adams, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law	19
5. Jason R. Tomlinson, Esq.	Administrative & Regulatory Law, Business Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Oil Spill Litigation	19

## Professional Legal Services Questionnaire

i. Please specify the total number of support staff that may assist in the completion of a matter for each area of the law selected above: 10

ii. List any attorneys that may assist in the completion of a matter for each area of the law selected above. If necessary, please attach additional documentation that demonstrates the employment history and experience of the Firm's attorneys that may assist in the completion of this Project (i.e. resume). Please attach additional pages if necessary.

Name:	Legal Field:	Years of Experience in Legal Field:
1. Craig J. Canizaro, Esq.	Administrative & Regulatory Law, Business Law, Health Law, Transportation Law, Public Contract Law, Science and Technology Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Civil Rights and Constitution, Municipal Representation, Oil Spill Litigation, Construction Law	16
2. Bevan W. Sabo, Esq.	Administrative & Regulatory Law, Business Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation, Property Law, Oil Spill Litigation	9
3.		
4.		
5.		



## Professional Legal Services Questionnaire

### **H. Past performance by person or Firm on Parish contracts. Please attach additional pages if necessary.**

We are confident our team has the skill, talent and ability to represent Jefferson Parish in the areas of Business Law, Administrative Law and Regulatory Practice, Health Law, Labor and Employment Law, Public Contract Law, Transportation Law, Science and Technology Law, Property Law, State and Local Government Law, Tort Trial and Insurance Practice, Complex Litigation (including asbestos litigation), Ethics Law, Civil Rights and the Constitution, Municipal Representation, Oil Spill Litigation and Construction Law as outlined in your Request for Statement of Qualifications. Our intuitive technology platform encompasses all aspects of practice management including file document management and billing through financial and statistical data compilation. This technology allows us to be efficient and responsive to our clients and partners.

We are proud to have represented Jefferson Parish in various litigation matters for many years. A sample of our past performance is detailed in Attachment A.

### **I. Adversarial legal proceedings between the Parish and the person or Firm performing professional services, in which the Parish prevailed, and excluding those instances or cases where the person or Firm was added as an indispensable party, or where the person or Firm participated in or assisted the public entity in prosecution of its claim. In the event that the person or Firm fails to provide accurate and detailed information regarding legal proceedings with the Parish, including the absence of legal proceedings, the person or firm shall be deemed unresponsive with regard to this category, and zero (0) points shall be awarded. Please attach additional pages if necessary.**

NONE

## Professional Legal Services Questionnaire

### **J. Prior successful completion of projects of the type and nature of legal services, as defined, for which Firm has provided verifiable references. (List no more than 10 projects.)**

**1.**

Construction Law - The Hanover Insurance Company v. Plaquemines Parish Government, All South Consulting Engineering, LLC-Subsequent to the total destruction of public buildings following Hurricane Katrina's, Plaquemines Parish(PPG) sought to rebuild its public infrastructure via FEMA and the Louisiana Governor's Office of Homeland Security and Emergency Preparedness. PPG retained an engineering firm with FEMA experience to facilitate its many projects. To maximize its recovery and speed up deadlines, the Parish decided to consolidate three destroyed facilities into one, which, as designed and constructed, proved disastrous. The Firm was retained by the engineering firm to defend it in the ensuing litigation. PPG was as aggressive in the litigation and sued every contractor, sub, supplier, surety and the engineering firm along with every potential insurer. Cross-claims followed. A database was created by all litigants to store and index the tremendous amount of discovery produced. The result was a highly contentious 40-party lawsuit with court designated discovery weeks. There was heavy motion practice and the Firm was successful in resolving some, but not all of the claims asserted against the engineering firm. Ultimately, the case settled but not until after three voluntary and two Court ordered mediations.

See Attachment B for verifiable references.

**2.**

Construction Law - JPSO LASER Building – The JPSO contracted with Construction South, Inc. to build a storage facility for its high-tech law-enforcement equipment, including helicopters. The building began experiencing roof leaks immediately after substantial completion. The Firm engaged a roofing expert to inspect the roof who determined that the roof had not been installed properly. In addition, the JPSO and the contractor had disputes regarding liquidated damages as well as a number of other contract issues. The contractor initiated arbitration against the JPSO for the balance of the contract. Complicating the matter, two subcontractors to the general contractor filed liens and initiated lawsuits to collect on those liens. As a result of mediation, the Firm negotiated a settlement of the case for less than the outstanding contract balance and avoided the necessity of protracted litigation of both the contractor's claims and the lien claims.

See Attachment B for verifiable references.

**3.**

Administrative Law and Regulatory Practice - Counsel for Jefferson Parish in its claim against FEMA for damage to flooded roadways in unincorporated Jefferson as a result of Hurricane Katrina. FEMA hotly contested eligibility and damages in this matter; denied the claim altogether and offered nothing in settlement until the morning of arbitration (before the Civilian Board of Contract Appeals in Washington, D.C.) The Firm negotiated a settlement for up to \$100,000,000.00 on the morning of arbitration. In the matter of Jefferson Parish Roadway Damage, Project Worksheet 17437 FEMA - 1603-DR-LA, Docket # CBCA 1780-FEMA.

See Attachment B for verifiable references.

**4.**

Tort Trial and Insurance Practice - The Firm secured a defense verdict in a Mississippi road-construction, wrongful death case following a five-day jury trial in Mississippi. Plaintiffs in Retha Simmons et al v. Jackson County, Mississippi et al sued a paving and asphalt contractor and the local county government for their alleged combined fault in causing the single vehicle accident. The decedent drove or "fell" off the newly paved road, allegedly was unable to correct or re-steer onto the roadway due to a steep drop off or low shoulder caused by the paving operation, struck an intersecting roadway and was ejected from the vehicle and perished. Plaintiffs alleged that the insured's paving operations created a hazard on the roadway and that, further, the insured failed to warn the motoring public and the decedent of the hazard by failing to install or maintain low or no shoulder warning signs at the site. Plaintiffs sought economic and general damages and additionally claimed punitive damages. While asserting the usual defenses to duty and breach thereof, Firm attorneys specifically pushed back against plaintiffs' proximate cause position. Critically, this defense was crystallized by exposing the pre-trial opinions of plaintiffs' own accident reconstruction expert, who testified at trial in manner contrary to his report and discovery deposition. Mid-trial motion practice successfully discharged the negligence per se, joint venture (with the county) and punitive damage claims, but the trial judge preserved the simple negligence claim for consideration and determination by the jury. The jury, hearing the claims against the insured paving contractor reached only the first question on the jury verdict form: Was [the insured] negligent and did the negligence of [the insured] proximately cause or contribute to [plaintiffs' decedent's] single vehicle accident and subsequent death? The jury answered: "No."

See Attachment B for verifiable references.

**5.**

Civil Rights and the Constitution/Ethics Law - In Lyle Dotson, et al v. Col. Michael Edmonson, et al, amidst media attention and involvement of national interest groups, the Firm obtained a zero defense jury verdict on behalf of four Louisiana State Police Troopers in a federal civil rights action. The plaintiff alleged that he was falsely stopped, handcuffed, subjected to excessive force and arrested in the in violation of his Fourth Amendment constitutional rights. State Troopers arrested the plaintiff after he kicked an officer – twice. The plaintiff further accused the Louisiana State Police Department of demonstrating a pattern and practice of unconstitutional acts of racial profiling and harassment and accused the former State Police superintendent of adopting unconstitutional policies and failing to properly train the officers under his command. . The jury determined that a technical violation occurred on only a single claim but concluded that the violation caused no damages to plaintiff and awarded him nothing.

See Attachment B for verifiable references.

## Professional Legal Services Questionnaire

**6.**

Administrative Law and Regulatory Practice - James J. Donelon, Commissioner of Insurance for the State of Louisiana v. Distribution by Datagen, Gallagher Health Studies, Inc., Inspired By Coconut, Smart Services, Inc., Strategic Benefit Alliance, Inc., Sentinel Administrators, Inc., Green Gables Artisan's Coop, Green Cross Managed Health Care Systems aka Green Cross Health Management, Depawix Health Resources, Insurance of America Agency, Inc., Benesmart, Inc., John V. Head, Grant Lockhart, Marlin Dixon, Michael M Purr, Ann Marie Purr, Peter John Hinch, and John Orlando Micalizio - The Firm was a team member that secured a unanimous Louisiana Supreme Court opinion in favor of the insurance commissioner against Health Net, one of the largest health-care companies in America. The ruling totaled more than \$180 million.

See Attachment B for verifiable references.

**7.**

Complex Litigation - DeRay McKesson et al v City of Baton Rouge, et al – Several class actions were filed against the Parish, City, the District Attorney, the Sheriff and the State Police stemming from the local and out of state groups protests following the shooting death of Alton Sterling in Baton Rouge, Louisiana. About 200 individuals were arrested. Firm attorneys, representing the state police, the Firm worked hard with all sides and the result was a heavily negotiated Memorandum of Understanding about the lawful way to protest that all litigants signed on. Class representatives include prominent activists and members of the group Black Lives Matter. Through active negotiations and settlement efforts by the Firm, the class action litigation was ultimately settled with other defendant law enforcement and municipal entities paying virtually the entire settlement and the State Police making only a very nominal contribution.

See Attachment B for verifiable references

**8.**

Labor and Employment Law - In Michael Prescott v. The Board of Supervisors for the University of Louisiana System, Plaintiff filed an initial lawsuit asserting racial discrimination, harassment, and retaliation in the U.S. District Court for the Eastern District of Louisiana under Title VII. The discrimination claims were dismissed on summary judgment, but the harassment and retaliation claims proceeded to trial. Following a five day jury trial Firm attorneys obtained a unanimous defense jury verdict dismissing all of Prescott's claims.

Shortly before trial in the first lawsuit, Prescott filed a second lawsuit in state court, this time alleging that his termination violated his rights as a police officer under the Louisiana Police Officers' Bill of Rights. This claim was dismissed from the federal court lawsuit due to the State's Eleventh Amendment immunity from state law claims in federal court. Firm attorneys obtained dismissal of the second state court lawsuit on summary judgment based on Prescott's failure to prove that he was entitled to any rights under the Police Officers' Bill of Rights.

See Attachment B for verifiable references.

**9.**

Tort Trial and Insurance Practice/Health Law - The firm was retained by the State of Louisiana 30 days prior to trial to serve as co-trial counsel in the defense in Theresa Green vs. LSU Health Sciences Center-NO., et al., a medical malpractice case in the Parish of Orleans. The claim involved an elderly woman treated by LSU staff physicians at University Hospital. During the course of a gallbladder surgery, the common bile duct was nicked, resulting in a slow but steady leak of bile into the patient's peritoneum that went undetected during surgery. The medical review panel concluded that the injury sustained was a known risk of the surgery, that the operating physicians had not committed malpractice during the performance of the surgery, and that the patient accordingly was not entitled to recover from the doctors. The patient thereafter filed suit in the Civil District Court for the Parish of Orleans. At the conclusion of trial, the jury retired to deliberate and in barely an hour returned a defense verdict in favor of the defendant physicians, finding no malpractice and exonerating them in all respects.

See Attachment B for verifiable references.

**10.**

Civil Rights and the Constitution/Ethics Law - – Alana Cain, et al v. Orleans Parish Criminal District Court; Adrian Caliste, et al v. Magistrate Judge Harry Cantrell are two high profile federal cases involving civil rights and constitutional law complaints filed by New York and Washington public interest law firms challenging (1) the manner in which the State of Louisiana funds operations in Orleans Parish Criminal District Court by relying on fines and fees assessed by the court's judges against criminal defendants (Cain) and (2) the manner in which bail is set for criminal defendants. Most but not all of plaintiffs' claims were dismissed on cross-motions for summary judgment in the district court; the claims that were not dismissed were appealed to the U.S. Fifth Circuit and thereafter to the U.S. Supreme Court.

See Attachment B for verifiable references.

## Professional Legal Services Questionnaire

**K. Use this space to provide any additional information or description of resources supporting Firm's qualifications for the proposed project.**

We have handled hundreds of millions of dollars' worth of construction and construction defect disputes exclusively on behalf of public owners while declining numerous opportunities to represent architects, engineers, contractors, sub-contractors and suppliers in public construction and procurement matters. By way of this exclusive representation of public owners, we have never developed a conflict of interest which prohibited us from assisting a public owner client. These matters are/were diverse and complex projects such as computer telemetry systems, public housing projects, jails, waste-water treatment plants, fire stations, drainage pump stations, water towers, water purification plants, planetariums, roadways, roofs, sports arenas, and others. Many were class actions. As a result, we have developed a particular expertise in representing public owners in all manner of public contract disputes that arise from bid disputes, challenges, and change orders.

We also have experience negotiating and drafting design and construction contracts as well as advising on contract administration. Although our goal is to help clients avoid costly disputes as projects progress, when disputes do arise, our attorneys have handled construction disputes at all levels of trial and appellate litigation, as well as through mediation, arbitration and other ADR techniques. Our attorneys further provide counsel to clients regarding public and private works act lien issues, warranty issues and surety/bond issues.

The Firm's IT systems are on par with very large firms and far exceed the systems used by firms of a similar size. The Firm utilizes a comprehensive law firm management system which manages all aspects of a legal practice: contacts, e-mail, calendaring, back office functions (billing/A/R, etc.). This coupled with our document management system is the backbone of the firm. Our paperless platform allows the Firm's attorneys to respond almost immediately to clients' requests for records and other documentation and adds great efficiency to the operation. Through our private cloud, the Firm enables its attorneys to work wherever the internet is available seamlessly on any device. With fully redundant hosts, network switches and internet connection, the risk of downtime due to a hardware failure is minimal. Our technology hardware is physically secure and access is limited. Business continuity is a priority demonstrated by the zero network downtime in the Firm's 25 year history.

**L. To the best of my knowledge, the foregoing is an accurate statement of facts.**

Signature:  Print Name: Bruce D. Burglass, Jr.  
Title: Manager Date: 10/31/2023



# BURGLASS TANKERSLEY GAUDIN PHAYER

## **Professional Legal Services Questionnaire** **ATTACHMENT A** **Jefferson Parish Results**

**The firm had the privilege of successfully representing Jefferson Parish in the following illustrative litigation matters.**

***Jefferson Parish Roadway Damage*** - Counsel for Jefferson Parish in its claim against FEMA for damage to flooded roadways in unincorporated Jefferson as a result of Hurricane Katrina. FEMA hotly contested *eligibility and damages* in this matter, denying the claim altogether and offering nothing in settlement until the morning of arbitration (before the Civilian Board of Contract Appeals in Washington, D.C.) The Firm negotiated a settlement for up to \$100,000,000 on the morning of arbitration. Project Worksheet 17437 FEMA - 1603-DR-LA, Docket # CBCA 1780-FEMA.

***Katrina Canal Breaches Consolidated Litigation*** - Counsel for all Katrina related lawsuits and class actions against Jefferson Parish. The Firm successfully obtained dismissal of all three of the federal and four of the state class actions on pretrial motions, ***with no money being paid by our clients***. The remaining eight class actions were consolidated and proceeded to trial. After a four-week jury trial, a verdict was rendered in favor of the Parish, finding no liability on the Parish's part on any of plaintiffs' allegations and resulting in a judgment of dismissal entered in the Parish's favor. USDC, Eastern District of Louisiana, No. 05-4182 "K" Pertains to: Levee: 06-5127 (Sims); In Re: *Katrina Canal Breaches Consolidated Litigation* USDC, Eastern District of Louisiana, No. 05-4182 "K" Pertains to: Levee: 06-5127 (Depass); *Abel, et al v. Broussard, et al*, U.S. District Court, Eastern District of La. No. 2:06-CV-1640.

***Maurice De La Houssaye, et al. v. The Parish of Jefferson, et al*** - Counsel for Jefferson Parish, Consolidated Drainage District No. 2, and Aaron Broussard in Katrina-related putative class actions in state court related to the flooding of hundreds of homes and businesses in Old Metairie. The Court declined to certify this matter as a class action. 24th JDC No. 624-894 c/w *Gaye Bennett, et al v. The Parish of Jefferson*, 24th JDC No. 635-594, Div. "I"

***Chicago Property Interests, LLC, et al. v. Aaron Broussard, et al*** - The Firm defended Jefferson Parish and the Parish President at the time in multiple consolidated class actions brought by homeowners who flooded during Hurricane Katrina; defendants were alleged to have been guilty of negligence and willful misconduct on a number of grounds, including in the drafting of an emergency operations plan calling for the evacuation of drainage pump operators





in face of catastrophic hurricane (Cat 4 or 5); after a three and a half week jury trial, the jury rendered verdict in favor of all defendants on all claims. All appeals were denied, and the Court's dismissal has become final. 24th JDC, Div. I, Nos. 624-459 c/w 624-778 c/w 625-145 c/w 626-415 c/w 635-370 c/w 635-539 c/w 635-883 c/w 625-998

***Mona Bernard v. Thigpen Construction Co., et al.*** - Counsel for Jefferson Parish in a class action lawsuit alleging Parish-caused flooding during the May 1995 floods which damaged 14,000 residential and commercial structures throughout River Ridge and Harahan, Louisiana. The Firm negotiated a settlement which resulted in the dismissal of all of the claims against Jefferson Parish ***with no payment of any money*** in return for a commitment to pursue a list of drainage improvement projects.

***One Billion Dollar Drainage Improvement Program*** - The Firm advised Jefferson Parish on its agreement with the United States Army Corps of Engineers for the Southeast Louisiana (SELA) Flood Control Program. This involved nearly one billion dollars in drainage improvements throughout Jefferson Parish. Many were in close proximity to residences and businesses in the Parish and we defended the Parish against homeowner damage suits arising out of these construction projects.

***Jefferson Parish Performing Arts Center*** - Jefferson Parish retained the Firm to advise the Parish in connection with the construction of the new \$26,565,000 Performing Arts Center when the low bidder turned out to be J. Caldarera & Co., Inc. There was some initial evidence of design problems with the building and an expectation that litigation would ensue. As the project progressed, egregious design errors and omissions were discovered resulting in eight major change orders which exceed \$27,000,000. There were hundreds of RFI's and over 400 revised drawings, more than 300 of which were for structural issues alone. The Parish authorized suit against the architect to attempt to recover something for these errors and omissions although the available professional liability insurance was much less than the damages. In attempting to resolve the lawsuit without undue litigation expense since any recovery under the insurance policies was being reduced by the architect's defense cost, the Firm was able to successfully negotiate a settlement of nearly all of the claims against the architect and its subconsultants through early mediation. The facility is completed and in operation. The contractor asserted a claim for additional costs to complete the contract, most of which the design professional of record did not recommend. After participating in two mediations, the Parish and the contractor ultimately settled the dispute for much less than the contractor's varying claims.

***Terrytown Gymnasium*** - This matter involved the default of a contractor after the Firm advised the Parish on calling the performance and payment bonds. The Firm continued to advise the Parish throughout the completion of the gymnasium and the negotiation with the Surety over the more than \$500,000 in recorded claims, and more than \$500,000 in liquidated damages. After the Surety filed suit and the Parish filed its reconventional demand against the Surety, the parties mediated the case over the course of several months, ultimately resulting in a settlement pursuant to which the Parish would pay the Surety less than the outstanding contract balance, which was the Surety's claim.





***N.O. Hornets Practice Facility*** - Claims for the floor damage and the remediation and the redesign and reconstruction of the HVAC system were made against the lead design professional who, in turn, made claims against its subconsultants. After several mediations it settled without litigation in less than 8 months after this Firm's involvement and without any disruption of the Hornets' practice needs. The design professionals contributed more than a million dollars to the overall settlement.

***Public Works Act Claim*** - The Firm defended Jefferson Parish in a complex Public Works Act claim asserted by LVI Environmental Services, a Fortune 500 Company ("LVI"), and others, related to emergency cleaning and restoration services performed at many of the Parish's buildings damaged during Hurricane Katrina. Further, we assisted the Parish with its claims and appeals against FEMA for the work done to its many buildings and the Parish's insurance claim against its property insurer, both of which had denied the majority of the Parish's claim.

***Drafting (Front End) Construction Documents*** - Jefferson Parish engaged our Firm to rewrite all of its "front end" documents including the agreement, general conditions, and change order forms. Since that time, the construction contracts drafted by our Firm were used in hundreds of millions, if not billion dollars of public works projects.

***Computer Telemetry System*** - Counsel for Jefferson Parish in a delay claim brought by an international contractor the Parish hired to install a system control and data acquisition system (SCADA computer telemetry system) throughout the Parish. The contractor was well represented by the largest law firm in Louisiana. We were able to defeat the contractor's claim in its entirety. Jefferson Parish paid no money on this multi-million dollar claim and prevailed on its counter claim of \$1,000,000.00.

***Tropical Storm Isidore Class Action*** - Successfully obtained denial of class certification in the Tropical Storm Isidore Class Action Litigation and won summary judgment dismissal of a second Isidore case on a discretionary function basis.

The Firm successfully handled numerous other complex matters for public owners involving hundreds of millions of dollars, including:

BW Cooper maintenance facility (NO)	Libraries (JP)
Computer telemetry systems (JP)	May 8, 1995 Flood (JP)
Drainage pump stations (JP)	Public housing projects (JP/NO)
East bank water treatment plant (JP)	Pump stations (JP)
Fire stations (JP/Plaquemines)	Roadways (JP)
Guste Highrise & Elevator tower (NO)	Roofs (Several including JPSO)
Hornet's practice facility (JP)	Second Parish Court (JP)
Katrina class action litigation (JP/State)	Sports arenas (JP)
Kelvin landfill (JP)	Wastewater treatment plants (JP)
Kenner Planetarium (Kenner)	Water purification plants (JP)
Jefferson Parish Jail (JP)	Water towers (JP)
Jefferson Parish Crime Lab (JPSO)	West bank sewerage treatment plant (JP)
Juvenile Justice Center (JP)	Yenni Building (JP)



# BURGLASS TANKERSLEY GAUDIN PHAYER

## **Professional Legal Services Questionnaire ATTACHMENT B References**

Please refer to the many matters described in Professional Legal Services Questionnaire for Jefferson Parish and other clients.

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