

# Private Investigators: *What attorneys should know?*



**PRIVATE INVESTIGATORS & ATTORNEYS: WORKING TOGETHER SERIES**

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Maria Boudreaux Dugas was born in New Orleans and raised along Bayou Terrebonne in the community of Montegut, Louisiana. Maria attended Nicholls State University where she earned a B.S. in Government and an A.S. in Criminal Justice. She attended law school at Loyola University, College of Law where she earned her J.D. in civil law. Maria is admitted to the Louisiana State Bar and practices law in Houma, Louisiana.



Her legal experience started immediately out of high school with a local Houma law firm where she worked as a clerical clerk. In 1994, Maria obtained her commission as a notary public in Terrebonne Parish. In 1997, she partnered with her husband, Paul, to open Dugas Legal Investigative Services, LLC (DLI) which provides professional private investigator services statewide to law firms, businesses, insurance companies and individuals. As part of DLI's operations, Maria was actively involved in field surveillance assignments, courthouse research, background investigations, drafting investigative reports, and testifying in court. In 2009, Maria was appointed by Governor Bobby Jindal to serve on the Louisiana State Board of Private Investigative Examiners. [Read more.](#)

In addition to honing her private investigative skills, she sharpened her legal knowledge by earning over twenty years of legal experience in law firms as a legal secretary, paralegal and notary public. Her diverse legal background was enhanced by working for the plaintiff and then later in her career for defense side in different areas of the law such as personal injury, corporate legal matters, insurance cases, successions, domestic cases, and workers compensation. Since Maria has worked in various roles in the legal field, she looks at the law differently and has gained a broad perspective toward legal matters.

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**PRIVATE INVESTIGATORS & ATTORNEYS: WORKING TOGETHER SERIES**

PRIVATE INVESTIGATORS:  
[Overview & Licensing](#)



## **Private Investigators: Overview**

### ***National Overview***

The licensing of private investigators is governed by each state. As of 2020, 45 states (and District of Columbia) provide laws for statewide licensing and regulation of private investigators. Five (5) states do not require licensing of investigators and they are:

- Mississippi<sup>1</sup>
- South Dakota<sup>2</sup>
- Wyoming<sup>3</sup>
- Alaska<sup>4</sup>
- Idaho<sup>5</sup>

### ***Louisiana Private Investigative Industry***

The Louisiana private investigative industry provides professional services for individuals, businesses, insurance companies and attorneys by discovering and analyzing information. Private investigators connect the dots to reveal evidence that may be essential to litigation, claims, disputes or personal matters.

In Louisiana, private investigators are licensed by the Louisiana State Board of Private Investigator Examiners (LSBPIE).

## **Private Investigators: Licensing**

One of the most significant decisions an attorney can make in a case is hiring the right private investigator. A licensed private investigator can produce evidence leading to a successful outcome or grossly mishandle the case producing bleak results. In selecting a private investigator, attorneys must be aware of the licensing laws in their state and evaluate the specific skill set of the private investigator for the assignment.

### ***Louisiana Private Investigator Law***

Since 1993, Louisiana private investigators must be licensed by the Louisiana State Board of Private Investigator Examiners (LSBPIE). Licensing contributes to the safety, health, and welfare of the people of Louisiana by requiring qualifying criteria in a professional field in which unqualified individuals may injure the public. (*R.S. 37:3501*)

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<sup>1</sup> <http://billstatus.ls.state.ms.us> 02/28/2012 proposed licensing but laws did not pass

<sup>2</sup> <http://legis.state.sd.us> 02/28/2012 proposed licensing but laws did not pass

<sup>3</sup> <http://legisweb.state.wy.us> and <http://attorneygeneral.state.wy.us/dci/pifaq.html> - Wyoming Attorney General website states that statewide licensing is not required; however, some municipalities may require licensing of private investigators. 02/18/2012

<sup>4</sup> Statewide licensing is not required but local jurisdictions have licensing: Anchorage and Fairbanks

<sup>5</sup> Some Idaho cities have their own licensing requirements but there is no statewide licensing requirement.

The Louisiana “Private Investigator Law” requires that private investigators must meet certain qualifications, pass a criminal background check, take a 40 hour training course, and pass the state exam. (R.S. 37:3507 and 37:3507.1)

A private investigator licensed in another state which has licensing requirements comparable to Louisiana, meets the requirements of the “Private Investigator Law” may be exempt from examination with approval of the Board. (R.S. 37:3518 & P.I. Rules & Regulations §511)

Each year private investigators must renew their license with LSBPIE. Every two years private investigators must obtain eight (8) hours of continuing education.<sup>6</sup> If a private investigator fails to renew their license, the investigator cannot conduct investigations until his license is reinstated. Attorneys can visit the LSBPIE official website at [www.LSBPIE.com](http://www.LSBPIE.com) to verify the current license of a private investigator in Louisiana.

**a. Attorney & Private Investigator Exemption**

An attorney licensed to practice law in this state and a private investigator who is employed by a law firm and only works for that law firm is not required to be licensed. The attorney and private investigator must have an employer | employee relationship. The private investigator cannot conduct investigations outside of the law firm for the general public. (8)(b)(iv)



**b. Types of Private Investigator Licenses**

Attorneys prefer to use an experienced licensed private investigator if the need arose, but is the private investigator appropriately licensed? In Louisiana, there are four distinctions in licensing of private investigators. The four types of private investigators licenses are: agency, individual, apprentice, and journeyman.

**i. Agency**

An **agency** license can be issued to an individual who has at least three years experience within the last ten years either working as a private investigator or in an investigative agency and satisfies all other requirements for licensing. A licensed private investigator agency can hire individual, apprentice and journeyman private investigators. An agency is the only licensed private investigator that can work directly for the general public. (R.S. 37:3507.2(A)(1)(a))



**ii. Individual**

An **individual** licensed private investigator that meets all the qualifications for licensing under the “Private Investigator Law” and is employed by a licensed private investigative agency can be issued an individual license under the sponsorship of an agency. (R.S. 37:3507.2(c)) An individual licensure can hold multiple licenses under several agencies meaning that the investigator can work for more than one private investigative agency. (R.S. 37:3507.2(A)(2))

<sup>6</sup> Louisiana Administrative Code Title 46 § 518.

An individual license holder cannot conduct work directly for the general public including individuals, attorneys, or businesses.

*iii. Apprentice*

An **apprentice** private investigator is an individual just entering the private investigator industry and must work under the direct supervision of a private investigative agency. The sponsoring agency is directly responsible for educating and training the apprentice. Within one year of being issued an apprentice license, the private investigator can obtain an individual license under the agency upon completion of the 40 hour training course and successful completion of the state examination. (R.S. 37:3507.2(A)(3))

An apprentice private investigator cannot conduct work directly for the general public including individuals, attorneys, or businesses

*iv. Journeyman*

A **journeyman** is an individual licensed to provide contract private investigator services to a licensed private investigative agency only. A journeyman licensure is not licensed under a particular agency. A journeyman cannot conduct investigations directly for the general public, private businesses or governmental agencies. (La. Admin Code tit. 46 § 510 and R.S. 37:3507.2(A)(4))

**Only a licensed private investigative agency** can solicit work directly from the general public, private businesses, and governmental agencies. A prudent attorney should verify the license type with LSBPIE. (R.S. 37:3507.2(B))

***c. Out of State Private Investigators (The “Nationwide” Investigator)***

Many private investigative firms allege to be “nationwide” investigators. However, licensing of private investigators is governed by each state and there is no “nationwide” license that would permit investigators to conduct investigations in all 50 states. Private investigators can only conduct investigations in each state in which they are licensed.

Attorneys are subject to similar requirements of practice. Attorneys are limited to practicing law in the state in which they were admitted to the bar. Attorneys can seek admission to the bar in other states which allows them to practice law in those states. Out of state of attorneys are eligible for admission in Louisiana under *pro hac vice* if the out of state attorney acts in association with an attorney duly licensed to practice law by the Louisiana Supreme Court. (Louisiana Supreme Court Rules XVII. Admission to the bar of the state of Louisiana Bar, Section 13. Pro hac vice Admission)

After large natural disasters like hurricanes or environmental disasters like the B.P. oil spill, out of state investigators flock to the state of Louisiana to seek work. Many of these out of state investigators do not follow the Louisiana laws in terms of licensing regulations and they are operating illegally for large companies. After the B.P. oil spill, LSBPIE was on top of license verification and preventing these out of state private investigators from operating illegally. Attorneys and companies should not assume that simply because a private investigator is licensed in another state that he can conduct investigations in Louisiana. The private investigator’s credentials should be verified with the LSBPIE.

i. Can out of state investigators legally work in Louisiana?

Yes and No. Yes, if the private investigator is licensed in Louisiana through LSBPIE, then the out of state investigator can conduct investigations in this state. No, if the private investigator is licensed in another state and does not hold a Louisiana private investigative license, then the out of state investigator cannot work in Louisiana. This out of state investigator is operating illegally and should be reported to the LSBPIE Board.

ii. Reciprocity

Louisiana holds some reciprocity agreements with a few states which allow out of state private investigators to conduct investigations in Louisiana under special conditions. (R.S. 37:3518(B)) However, the authority of an out of state investigator to operate in Louisiana should be verified with LSBPIE. If you are not licensed in Louisiana or operating under special authority of reciprocity, the investigator is considered to be operating as an unlicensed private investigator which is a violation of the law. (R.S. 37:3520)

iii. Illegal Acts and Penalties

It shall be unlawful for *any person* to knowingly commit any of the following acts: (R.S. 37:3520 – A.)

- Provide contract or private investigator service without possessing a valid license.
- Employ an individual to perform the duties of a private investigator who is not the holder of a valid registration card.
- Designate an individual as other than a private investigator to circumvent the requirements of this Chapter.
- Knowingly make any false statement or material omission in any application filed with the board.
- Falsely represent that a person is the holder of a valid license registration.
- Violate any provision of this Chapter or any rule or regulation of the board.

It shall be unlawful for a private investigator to knowingly commit any of the following acts: (R.S. 37:3520 – B.)

- Make any statements which would reasonably cause another person to believe that the private investigator functions as a sworn peace officer or other official of the state or of any of its political subdivisions, or an agency of the federal government.
- Fail to comply with the regulations issued by the board or with any other requirements under the provisions of this Chapter.
- Divulge to anyone, other than his employer, or to such person as his employer may direct, or as may be required by law, any information acquired during such employment that may compromise the employer or assignment to which he has been assigned by such employer.
- Possess a license or registration card issued to another person.

Whoever violates the P.I. laws or P.I. Rules & Regulations shall be fined not less than \$2,000 and not more than \$10,000 or imprisoned for not less than three months and not more than one year, or both. (R.S. 37:3521)



#### **d. Unlicensed Private Investigators**

##### **i. Why would a P.I. operate without a license?**

Some individuals do not seek licensing from the LSBPIE because they have a criminal past which would prevent them from being licensed. Also, LSBPIE has revoked the licenses of some Louisiana private investigators due to subsequent felony convictions or violations of the law. On the LSBPIE website, there is a list of private investigators who cannot legally operate in the state of Louisiana as a private investigator.

##### **ii. Examples of unlicensed private investigator activity**

Many attorneys, private individuals, insurance companies, city governments and various industries are not aware of the Louisiana laws regarding the licensing of private investigators. Of course, there are unscrupulous individuals who choose not to be licensed and operate as unlicensed private investigators. LSBPIE works hard to find these individuals and seek prosecution through the local district attorney's office or Louisiana Attorney General's office. These individuals are a threat to the general public because they lack the necessary skills to conduct investigations and may have an unfavorable criminal history.

New Orleans City Hall paid more than \$522,000 to an unlicensed private investigator with felony convictions and a history of fraud spanning two decades. The city of New Orleans' snoop, Dwayne Alexander -- sole proprietor of the World Wide Detective Agency -- has been conducting surveillance on police officers, firefighters and other city workers since 2000. Alexander alleged that he did not need a license since he worked directly for the city's third-party administrator, Cannon Cochran Management Services Inc. However, CCMSI denies employment of Alexander. Alexander was briefly licensed by LSBPIE; however, his license was revoked but he continued to work as a private investigator. Finally, Alexander was convicted of federal charges resulting from an F.B.I. investigation.<sup>7</sup>

On October 24, 2011, Dwayne Alexander was arrested for conducting private investigative work for the St. Charles Parish School Board without a possessing a valid private investigator license. The School Board paid Alexander \$2,685 to investigate a worker's compensation claim. A spokesman for the school board advised that Alexander was hired on the recommendation of its third party administrator, Cannon Cochran Management Services, Inc. (CCMSI) in 2006. However, the School Board failed to verify if Alexander had a current private investigator's license.<sup>8</sup>

##### **iii. Problems with Unlicensed Private Investigators**

Most incidents of unlicensed private investigator activity generally occur directly with the general public. Individuals seeking a cheap or low cost domestic investigation usually fall prey to the "too good to be true" rates and promises of the unlicensed private investigator. In most cases, these people give the private investigator a lower than industry standard retainer to commence an investigation and never hear from the private investigator again. Since the average person is not aware of licensing requirements, many incidents with unlicensed private investigators take awhile to be detected or go unreported.

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<sup>7</sup> "City Hall pays private eye with criminal history, no license more than half million" *Times-Picayune* July 2, 2009 article by: David Hanmer.

<sup>8</sup> "Private eye who did work for St. Charles School Board without license arrested" *Times-Picayune* October 24, 2011 article: Jennifer Boquet.

Another problem with these under the radar operations is lack of insurance and possible criminal background of the private investigator. While the Louisiana laws do not require private investigators to be insured, most professional private investigators have general liability insurance and a parish occupational licensing. Unlicensed private investigators are not governed by LSBPIE including the P.I. rules and regulations and tend to violate the law when conducting their investigations.

***e. Verification of P.I. License with LSBPIE***

Before engaging the services of a Louisiana private investigator or an out of state private investigator to operate in Louisiana, attorneys should verify the status of the license at the LSBPIE website located at [www.LSBPIE.com](http://www.LSBPIE.com). Verification can be searched by agency name, individual investigator name or city. *[Sample verification below.]*

**Example: LSBPIE P.I. License Verification**

Agency verification:

**Dugas Legal Investigative Services**

**3232-051697-LA**

**Mailing Address:**

Address: P O Box 652

City: Schriever

State: LA

Zip: 70395

Phone: (985) 262-1299

License  
Status: Renewal

Expiration  
Date: 5/16/2024

Individual P.I. License verification:

**Maria E Dugas**

**3437-100197-LA**

Agency: Dugas Legal Investigative  
Services

License  
Status: Renewal

Expiration  
Date: 10/1/2024

## *PI Lagniappe: Canal Street Cartel Case & Change in Rule of Professional Conduct in Louisiana*

### LOUISIANA BAR JOURNAL

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## The Gingerbread Man's Run is Over!

Permanent Disbarment is Penalty  
for Using Runners



Michael O'Keefe, left, arrives at federal court with defense counsel Rick Simmons. *Staff photo by Times Picayune, Andrew Boyd 1/7/99*

In 1999, a collaborative effort of private investigators, insurance companies and the Metropolitan Crime Commission exposed a sophisticated insurance fraud operation composed of attorneys, runners and doctors. The attorneys would hire runners to go to the car accident scene to solicit clients and refer the accident victims to specific medical clinics. In some cases, the medical clinics were billing for office visits in which the patient never actually went to the clinic on the billed office visit dates.

The role of the private investigators in the Canal Street Cartel investigation was mainly surveillance. Private investigators were assigned to follow various players in the scheme and track their activities. The evidence gathered by private investigators was a crucial part of connecting the clues to indict and convict the cartel members. Two local attorneys plead guilty to felony federal charges of mail fraud, tax evasion and failure to report a felony. In addition to these convictions, dozens of runners were arrested who subsequently provided additional evidence needed to secure convictions against attorneys.

Some of the players involved in the “Canal Street Cartel” are well-known names in New Orleans. Two of the most noted legal assistants engaged in the runner-based solicitation industry were Ernest Aiavolasti and Michael Palmisano in the Canal Street Cartel.<sup>9</sup> Two New Orleans area attorneys, Richard A. Cuccia and Thomas L. Grand plead guilty to felony federal charges of mail fraud, tax evasion and failure to report a felony.<sup>10</sup> Fernand L. Lauduney, III and Dennis S. Mann, both attorneys involved in the Canal Street Cartel case were permanently disbarred on June 27, 2003.<sup>11</sup> Michael H. O’Keefe was another attorney involved in the runner-based scheme to solicit clients. O’Keefe was disbarred in July 2, 2004 for his role in the Canal Street Cartel.<sup>12</sup>

<sup>9</sup> “The Gingerbread Man’s Run is Over! Permanent Disbarment is Penalty for Using Runners” by: Professor Michelle LaBorde Ghetti. Pg. 84.

<sup>10</sup> Metropolitan Crime Commission website at: <http://www.metropolitancrimecommission.org/html/casefiles.html> November 4, 2011

<sup>11</sup> Louisiana Supreme Court, #03-B-0234, In re: Fernand L. Lauduney, III and Dennis S. Mann Attorney Discipline Proceeding, Per Curiam Opinion rendered June 27, 2003. <http://statecasefiles.justia.com/documents/louisiana/supreme-court/03b0234.pc-0.pdf>

<sup>12</sup> Louisiana Supreme Court, #03-B-3195, In re: Michael H. O’Keefe Attorney Discipline Proceeding, Per Curiam Opinion rendered July 2, 2004. <http://www.lasc.org/opinions/2004/03b3195.pc.pdf>

Professor Michelle LaBorde Ghetty wrote an article entitled “*The Gingerbread Man’s Run is Over! Permanent Disbarment is Penalty for Using Runners*” which highlights the Louisiana Supreme Court’s amendment to its sanction rules to provide for permanent disbarment of attorney in this state in 2001. Since the enactment of this change to the Rules of Professional Conduct, the Office of Disciplinary Counsel reports that 43 attorneys have been permanently disbarred for various reasons. *[A copy of this article is attached in Appendix A]*

## **Process Service**



### ***Reasons for service by private process server:***

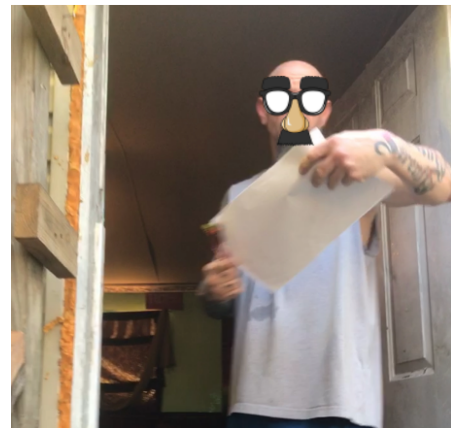
1. Faster Delivery (Service of papers)
2. Higher Priority
3. Better Communication
4. Specialized Attention to Details
5. Knowledge of Law Concerning Process Service
6. Higher Success Rate



Louisiana Code of Civil Procedure Art. 1293

### **Service by private person**

1. a person over the age of majority
2. not a party
3. residing within the state whom the court deems qualified to perform the duties required, to make service of process in the same manner as is required of sheriffs.
4. (2010) Any person who is a Louisiana licensed private investigator shall be presumed qualified to perform the duties required to make service.
5. (2012) juridical person appointed - then select an employee or agent of that juridical person to make service of process, provided the employee or agent perfecting service of process is a natural person who qualifies as an agent for service of process pursuant to Paragraph A or B of this Article.



*[Complete copy of L.C.C.P. art. 1293 attached – Appendix G]*

### Affidavit of service

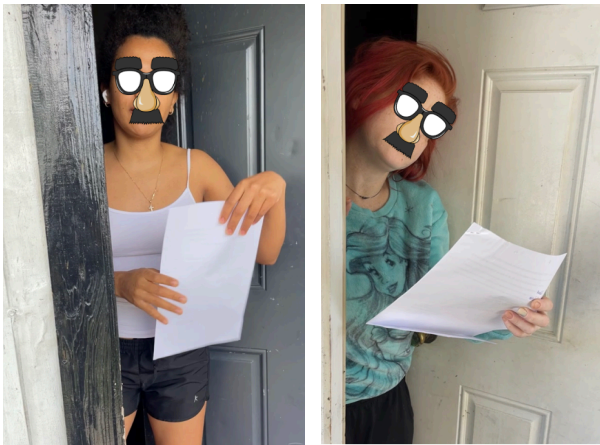
- Signed by the actual private investigator who made the service

### Problems

- The juridical person appointed is the private investigative agency
- But the agency hires an individual who is not a licensed private investigator to make the service ... **does this meet the statutory requirements?**

### Video & Photos

Part of the Return of Service & Documenting Service on the Correct Person.



### Example of bad process services:

On or about March 22, 1991 Screven County Hospital Authority (Screven) obtained a default judgment against Brickman in a Georgia District Court. Brickman is a Louisiana resident. In order to obtain service of the Georgia pleadings on Brickman, Screven had Keith Casey, president of AAA Detective Agency, appointed as a special process server. However, service of the Georgia suit was actually made by Casey's employee, Keith LoBrono. Brickman now seeks a stay of the attempted execution of the Georgia judgment in Louisiana's Courts. Brickman argues that the Georgia judgment was rendered without valid service of process, hence the Court lacked personal jurisdiction. The Fourth Circuit Court of Appeals agreed with the lower court.

*(Brickman v. Screven County Hospital Authority, 599 So2d 427 (4<sup>th</sup> Cir. App. 1992).*

# Surveillance

The Myth



The Reality



What comes to mind when you think of surveillance? Chances are you imagine something like a scene out of a classic spy movie where a detective stakes out at a suspect's home and then clandestinely pursues the subject all around town. While these can be valid forms of surveillance, private investigator surveillance often encompasses a much broader array of activities, including digital surveillance, interviewing, and technical surveillance.

Surveillance and tracking techniques are commonly used by private investigators to acquire evidence. Monitoring and tracking, infidelity, child custody, wellness checks, family affairs, and insurance fraud such as workers' compensation, personal injury, identifying missing persons, employee absenteeism and history checks, and investigating fraud and theft are all common uses of surveillance.

Surveillance is the close observation of a person, place, or object in order to gather information. Surveillance is one of the most effective and often-used tools in a private investigator's tool belt and can result in invaluable information that can be used in subsequent criminal investigations or legal proceedings.

When it comes to surveillance, private investigators must always act in a lawful and ethical way. For example, private investigators are not allowed to hack into private online accounts, secretly bug phones, or spy on someone in a private place, such as within a home. Understanding the do's and don'ts of private surveillance is critical to ensure private investigators avoid legal trouble of their own and ensure they are operating ethically. This approach to surveillance encompasses everything that would classically fall under the definition of surveillance, such as staking out at a location, following a suspect on foot or by vehicle, and recording a person's public activities.

Private investigators most often work from a vehicle. That vehicle looks normal on the outside, but, inside it has been modified for surveillance.





For an insurance fraud case, the objective may be to get video of the person lifting heavy objects or bending over with a “bad back”. In an adultery matter, investigators follow a spouse to determine if they are meeting with someone for a romantic dinner.

Sometimes, while following a person, investigator might lose the person in traffic. Private investigators aren’t exempt from traffic laws. In some cases involving mobile surveillance, two or more investigators may be used to maintain contact with the target and allow the video vehicle to set up for video at locations.

### ***Family law involving private investigators***

Can you tell who is in the house by just seeing a vehicle parked at a residence? The case below will explain this issue.

#### ***Bennett v. Bennett*** (1998) – adultery evidence by private investigator was insufficient

In August of 1996, Carol Bennett filed a petition for divorce alleging domestic abuse by her husband, Wilbert Bennett. In the petition, she sought a divorce from her husband based on living apart for the requisite period of time under the provisions of LSA-C.C. art. 102. Thereafter in February of 1997, Wilbert Bennett filed a reconventional demand seeking a judgment of divorce from Carol Bennett pursuant to LSA-C.C. art. 103, on the grounds that she committed adultery.

The nature of the act of adultery requires that circumstantial evidence will most likely be used to sustain the proponent's burden of proof. A prima facie case of adultery can be made out by showing facts or circumstances that lead fairly and necessarily to the conclusion that adultery has



been committed. *Arnoult v. Arnoult*, 96-730 (La.App. 5 Cir. 2/12/97), 690 So.2d 101, writ denied, 97-0656 (La.4/25/97), 692 So.2d 1089. The evidence is to be viewed in light of experiences and observations of life. The fact that a man and woman are alone together does not necessarily justify presuming that it is for a romantic or sexual purpose. *Emfinger v. Emfinger*, 550 So.2d 754 (La.App. 2 Cir.1989). Courts must look with caution to the testimony of an investigator hired by one spouse to watch the other spouse, and this evidence

ordinarily should be corroborated by the facts and circumstances in evidence and/or by direct testimony of other witnesses. *Arnoult v. Arnoult*, supra.

In reviewing a judgment of default, the appellate court is restricted to a determination of whether the record contains sufficient evidence to support a prima facie case. *Collins v. Estrade*, 93-977 (La.App. 5 Cir. 5/11/94), 638 So.2d 275.

Our examination of the record demonstrates that the evidence falls woefully short of proving Carol Bennett guilty of adultery. At the hearing on the confirmation of the default judgment, Wilbert Bennett testified that his wife has been seeing another man, Michael Lewis, that she has had an on-going relationship with him since 1989, and that she took a trip with him in 1993 or 1994. In addition to this testimony, N.B., the private investigator that Mr. Bennett hired, testified regarding her surveillance of Carol Bennett. She testified that on November 17, 1996, at approximately 2:00 a.m., she observed Mr. Lewis' car parked in the driveway of Carol Bennett's residence. On December 1, she observed Mr. Lewis driving Carol Bennett's car. Then, on December 5, she observed Mr. Lewis arrive at Carol Bennett's residence at 7:20 p.m. and remain there until 5:45 a.m. the following morning. Two photographs of Mr. Lewis were also introduced into evidence. We find that this evidence does not constitute a prima facie showing of adultery on the part of Carol Bennett. While Mr. Bennett made general allegations of an on-going adulterous affair between his wife and Mr. Lewis, there were no facts or circumstances presented which would support his assertions. Moreover, the photographs which were introduced merely show Mr. Lewis, alone and fully clothed. We also make note of a fact of which the magistrate judge was obviously unaware. In a prior hearing, both Carol Bennett and Mr. Lewis specifically denied that Mr. Lewis ever spent the night at her house. Also, Mr. Lewis specifically denied having any sort of relationship with Carol Bennett other than that of friendship.

Based on the foregoing discussion, we find that a default judgment was improperly granted. Accordingly, we vacate the default judgment of divorce and remand the matter to the trial court for further proceedings.



**Civil litigations:**

both sides can benefit

Plaintiff	Defendant
Day in the life video; documentary	Document plaintiff's injuries
Accident scene photographs or video	
Vessel inspections	
In-store video for slip-n-fall	
Family law: Child custody, support & spousal support	
Corporate: Breach of contracts	

Videotaping third parties

There are federal and state laws which regulate surreptitious videotaping of individuals. In Louisiana, under R.S. 14:283, videotaping, filming, observing or recording of a person who has not consented to same and the videotaping is for lewd or lascivious purpose is prohibited.

Recording telephone conversations

The use of recording devices to record the conversations of third parties is prohibited by state and federal laws. Some states have “two party consent” meaning that any recording made in violation of any applicable federal or state law is inadmissible. However, in Louisiana, the law permits “one party consent” in the recording of conversations.

Under R.S. 15:1303(4), a person in Louisiana may record his own telephonic or face to face conversation with another without telling the other person and such tape is admissible. In recording interstate conversations, individuals should exercise caution because of the different applicable federal and state laws.

*[Appendix C – copy of RS 15:1303]*

## Locating People

- Only as good as the information that you start the search with – such as full name, DOB or SSN
- Source determines the accuracy and how current the data will be
- Don't rely on a single source in most cases
- Verify the data outside of report
- Available through numerous sources online and through public records

A private investigator can help you locate a person. However, the investigation's success will depend on factors such as information about the person and the resources available to the investigator, which will be a significant factor in locating the person quickly and efficiently.

It is essential to provide as much information as possible to the private investigator, including the person's full name, date of birth, social security number, address, last seen location, and any other identifying information you may have. The more information you give, the more likely the investigator will be able to locate the person.

Private investigators provide a broad range of services, including but not limited to: background checks, surveillance, locating missing persons, investigating fraud and white-collar crimes, and gathering evidence for legal cases. Their level of proficiency and experience make them a valuable resource for individuals and companies seeking information that may be challenging to obtain through other means.

Private Investigators may attempt to 'skip trace' the person that they are trying to find. This means that they will go into government databases and other sources to find information on the person. By implementing skip trace service, private investigators can find a vast amount of information on someone very quickly. This includes their previous addresses, any aliases that they may have used throughout their lives, etc. The more information that is found about a person, the easier it will be for a private investigator to find them.



Locating a person who doesn't want to be found in the result of the investigative process. To achieve this goal, Private Investigators employ many different methods and techniques. These can include canvassing neighborhoods, talking with people who may have useful information, running background searches on the target individual, as well as using surveillance. All these methods must be done legally so as not to violate any privacy laws or regulations that would apply if a government agency were conducting the same type of activity.

Once a PI has gathered enough evidence to show that a subject appears to have gone into hiding, they will then begin an investigation to find out why the person wants to remain hidden from view. This usually begins by establishing a motive for why the person would go into hiding. The PI will

then use the information they have found while doing their investigation to find the target and finally locate them.

The key to successfully locating people is best done by piecing together bits of information that are already out there. That's why PI's utilize skip tracing, surveillance, and investigative techniques to find people. By piecing together bits of information like previous addresses, family members, etc., Private Investigators can piece together a picture of who the person is and where they are likely to be located.

Success depends on factors such as information about the person and the resources available to the investigator.

<b>Information Provided</b>	<b>Success &amp; Options</b>
<b>Phone Number only with no name</b>	Limited to reverse run phone
<b>Jan Boudreaux</b>	Database but too many returns to confirm location
<b>Jan Dupre Boudreaux</b>	Denotes a marriage or alternative name can be searched
<b>Last known address</b>	Database results can be narrowed; neighborhood interviews
<b>Age: 30-35 or DOB</b>	Results can be narrowed to specific person
<b>SSN (gold ticket)</b>	Confirmation of results are highly likely

## Database Searches

### People

Advanced  
Expert Plus  
Expanded Expert  
Deceased  
Phone Report  
Address Report  
Licenses

- Drivers
- Professional
- Pilot
- Voter Registrations

Phones

- 411+
- Super Reverse Lookup

Driving Violations

- Person
- Address

Social Media

- Comprehensive Report

Emails  
Global Watch Lists

### Businesses

US Businesses  
World Businesses  
Business Phones  
US Corporations  
UCC Filings

### Courts

Foreclosures  
Liens

- Personal
- Business

Judgments

- Personal
- Business

Bankruptcies

- Personal
- Business

Evictions

### California

Ultimate Weapon  
Births  
Civil Filings  
Corporations  
Criminal Records  
Deceased  
Equalization and ABC Licenses  
Fictitious Business Names  
Marriages  
Professional Licenses  
Property  
UCC Filings

### Assets

Vehicles - Advanced  
Vehicles - Wildcard  
CARFAX® Report  
Vehicle Sightings via DRN  
Properties  
Property Deeds  
Property Assessments

### Criminal

Real-time Incarcerations and Arrests  
Criminal and Traffic Offenses

### Assets

Vehicles - Advanced  
Vehicles - Wildcard  
CARFAX® Report  
Vehicle Sightings via DRN  
Properties  
Property Deeds  
Property Assessments  
Vessels

### Criminal

Real-time Incarcerations and Arrests  
Criminal and Traffic Offenses

## *Voter registration records*

- Available through several online databases
- Usually available at parish courthouse
- Accuracy determined by frequency of voting by individual

Louisiana voter registration records are also a good source for locating a current address for someone. A name search can be conducted and below is a sample of the information generally provided about that individual. The information returned will include the dates in which the individual voted. The more recent that the individual voted in an election enhances the possibility of a current address.

Source: Depends on the state and service provider. In Louisiana, voter registration records can be accessed in the local parish Registrar of Voters office. Online voter registration is usually historical data.

- **Registrant Information**
- **Name:**
- EMANUEL, JOHN
- **Residential Address:**
- 241 LAKE AVE  
BATON ROUGE, LA 70807-2540  
EAST BATON ROUGE COUNTY
- **Mailing Address:**
- 241 LAKE AVE  
BATON ROUGE, LA 70807-2540  
EAST BATON ROUGE COUNTY
- **Home Phone:**
- 225-774-0784
- **SSN:**
- XXX-XX-XXXX
- **Date of Birth:**
- 8/1979
- **Gender:**
- Male
- **Race:**
- BLACK

## *Comprehensive Reports*

- Accuracy depends on the provider and source of data
- Usually a SSN is required
- Report can be customized with most providers
- Data should be verified

The table of contents below shows all information available when conducting a comprehensive report: *[See Appendix B – Another Comprehensive Report sample]*

### **Table of Contents**

Subject Information .....	2
Potential Subject Photos (None Found) .....	2
Possible Criminal Records (1 Found) .....	2
Possible Employers (1 Found) .....	3
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Address Details (4 Found) .....	3
Cities History (1 Found) .....	4
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Driver's License Information (2 Found) .....	4
Utilities (2 Found) .....	4
Professional Affiliations (None Found) .....	5
Professional Licenses (None Found) .....	5
Bankruptcy Records (None Found) .....	5
Liens (None Found) .....	5
Judgments (None Found) .....	5
Current Property Deeds (None Found) .....	5
Past Property Deeds (None Found) .....	5
Property Foreclosures (None Found) .....	5
Property Assessments (None Found) .....	5
Evictions (None Found) .....	5
Current Vehicle Information (None Found) .....	5
Past Vehicle Information (None Found) .....	5
FL Accidents (None Found) .....	5
Global Watch Lists (None Found) .....	6
US Business Affiliations (None Found) .....	6
UCC Filings (None Found) .....	6
US Corporate Affiliations (None Found) .....	6
Aircraft Records (None Found) .....	6
Pilot Licenses (None Found) .....	6
Voter Registrations (None Found) .....	6
Hunting Permits (None Found) .....	6
Weapon Permits (None Found) .....	6
Possible Relatives - Summary (None Found) .....	6
Likely Associates - Summary (None Found) .....	6
Possible Associates - Summary (7 Found) .....	6
Neighbor Phones (19 Found) .....	6
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## Comprehensive Report

### Comprehensive Report

Date: 10/01/2017  
Reference ID: **NONE**

### Report Legend

**D** - Deceased Person

### Relatives

**S** > - 1<sup>st</sup> Degree of Separation  
**S** >> - 2<sup>nd</sup> Degree of Separation  
**S** >>> - 3<sup>rd</sup> Degree of Separation

### Subject Information

(Best Information for Subject)

Name: [Andy Taylor](#) (03/01/1987 to 07/07/2017)  
Date of Birth: **01/12/1976**, Born 41 years ago  
SSN: **439** issued in **LOUISIANA** in 1977

#### Other Names Associated with Subject

[Andy Taylor](#) (07/09/1996 to 11/12/2013)  
[Z](#) (09/22/1998 to 11/02/1999)

#### Other DOBs Associated with Subject

Date of Birth: **11/1976**  
Current Age: 40  
Date of Birth: **06/12/1976**  
Current Age: 41

#### Other Possible Phones Associated with Subject:

Other Individuals Observed with shared SSN: **439-29**  
[Andy Griffin](#) **41**  
[Andy Maple](#)

(985) 6 3 (CT) (Mobile) (78%)  
Age: (504) 8 4 (CT) (LandLine) (66%)  
(562) 4 1 (PT) (Mobile) (66%)  
(985) 5 0 (CT) (66%)  
(985) 5 4 (CT) (66%)  
(985) 5 3 (CT) (66%)  
(985) 5 7 (CT) (LandLine) (66%)  
(985) 5 3 (CT) (LandLine) (66%)  
(985) 5 3 (CT) (LandLine) (66%)  
(985) 5 2 (CT) (66%)  
(985) 5 4 (CT) (66%)  
(985) 6 3 (CT) (Mobile) (66%)  
(985) 6 3 (CT) (LandLine) (66%)  
(985) 9 0 (CT) (Mobile) (66%)  
(985) 0 3 (CT) (Mobile) (66%)

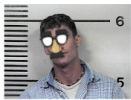
### Indicators

Bankruptcies: **No**  
Liens: **No**  
Judgments: **No**  
Properties: **No**  
Corporate Affiliations: **No**  
Criminal/Traffic: **Yes**  
Global Watch Lists Match: **No**

#### Email Addresses Associated with Subject

[AndyTaylor](#) @allsouth.net  
[3@hotmail.com](#)  
[address.com](#)  
[ol.com](#)

## Comprehensive Report: Criminal History

<p>Name: <a href="#">Andy Taylor</a> DOB: <b>01/12/1976</b>, Born 41 Years Ago Gender: <b>M</b> Ethnicity: <b>WHITE</b> Source Name: <b>ORLEANS PARISH CRIMINAL SHERIFF'S OFFICE - INMATES</b> Source State: <b>LA</b></p> 	<p><b>Match Indicators</b></p> <p>First Name: <b>Exact Match</b> Middle Name: <b>Not Matched</b> Last Name: <b>Exact Match</b> Date Of Birth: <b>Exact Match</b></p> <p>Age: <b>Exact Match</b> Address: <b>Not Available On Record</b> Height: <b>Not Available On Record</b> Ethnicity: <b>Not Available On Record</b></p>
<p><b>Arrest Details - 04/21/2004 - LA</b></p> <p>Charges: <b>CHARGE: 271MCS/154-307 - VALID LICENSE PLATE; ITEM NUMBER: D3583404; DETAILS: C/B 100; ; CHARGE: 271MCS/154-304 - LAWFUL USE OF LICENSE; ITEM NUMBER: D3583404; DETAILS: C/B 100</b></p> <p>Booking Date: <b>04/21/2004</b></p> <p>Source State: <b>LA</b></p>	



## Comprehensive Report: Addresses

### Address Summary (21 Found)

73E A, LA 70056-4427 (JEFFERSON PARISH) (08/2013 to 09/29/2017)  
71E A 70374-3313 (LAFOURCHE PARISH) (07/19/2009 to 09/05/2017)  
50E LA 70374-2704 (LAFOURCHE PARISH) (10/2016 to 08/2017)  
PO . 70375-0302 (LAFOURCHE PARISH) (09/2008 to 07/2017)  
10E ND, LA 70394-2771 (LAFOURCHE PARISH) (09/1999 to 07/2016)  
56E RT, LA 70374-2100 (LAFOURCHE PARISH) (01/2016 to 01/2016)  
11C IT, LA 70374-2561 (LAFOURCHE PARISH) (08/2015 to 08/2015)  
34E , RACELAND, LA 70394-2005 (LAFOURCHE PARISH) (07/25/2007 to 11/08/2014)  
37E ID, LA 70394-3141 (LAFOURCHE PARISH) (01/10/2012 to 01/10/2012)  
23C LA 70394-2545 (LAFOURCHE PARISH) (12/2009 to 12/06/2009)  
PO . 70375-0349 (LAFOURCHE PARISH) (03/2007 to 08/05/2009)  
12E LA 70394-2786 (LAFOURCHE PARISH) (11/1995 to 01/2009)  
12E LOCKPORT, LA 70374-5112 (LAFOURCHE PARISH) (02/17/2008 to 05/2008)  
65E ND, LA 70394-2817 (LAFOURCHE PARISH) (05/1994 to 02/25/2007)  
PO .A 70394-1601 (LAFOURCHE PARISH) (01/23/2003 to 01/23/2003)  
44E APT 203, SLIDELL, LA 70458-8558 (SAINT TAMMANY PARISH) (12/1994 to 01/23/2003)  
44E SLIDELL, LA 70458-8559 (SAINT TAMMANY PARISH)  
12E 64-1118 (LAFOURCHE PARISH) (10/1996 to 06/1999)  
12E ND, LA 70394-2799 (LAFOURCHE PARISH) (10/15/1998 to 10/15/1998)  
11E ), LA 70394-3813 (LAFOURCHE PARISH) (01/1987 to 12/1988)  
58E RT, LA 70374-2230 (LAFOURCHE PARISH)

### Address Details (21 Found)



73 VE LN, GRETNA LA 70056-4427 (JEFFERSON PARISH) (08/2013 to 09/29/2017)

Subdivision Name: TERRYTOWN

Owners:

MIL IER [ [View Person Record](#) ](36)

KA' .R [ [View Person Record](#) ](35)

Purchase Date: 08/18/2008

Purchase Price: \$169,000

Assessed Value: \$11,460

#### Cities History (6 Found)

LOCKPORT, LA (LAFOURCHE PARISH) (02/17/2008 to 07/07/2017)  
MATHEWS, LA (LAFOURCHE PARISH) (03/2007 to 07/2017)  
RACELAND, LA (LAFOURCHE PARISH) (01/1987 to 07/2016)  
GRETNA, LA (JEFFERSON PARISH) (08/2013 to 11/12/2013)  
SLIDELL, LA (SAINT TAMMANY PARISH) (12/1994 to 01/23/2003)  
HOUMA, LA (LAFOURCHE PARISH) (10/1996 to 06/1999)

#### Counties History (3 Found)

LAFOURCHE, LA (01/1987 to 07/07/2017)  
JEFFERSON, LA (08/2013 to 11/12/2013)  
SAINT TAMMANY, LA (12/1994 to 01/23/2003)

Driver's License Information

---

## Driver's License Information (1 Found)

Jane Doe  
123 Main St.

MA, LA 70363-7282 (TERREBONNE PARISH)

DL# 3473847384

Date of Birth: **09/14/1986** , Born **34** years ago

Utilities

## Utilities (3 Found)

Name: Jane Doe [ [View Person Record](#) ]

Service Address 123 Main St. **CKPORT, LA 70374-3313 (LAFOURCHE PARISH)**  
First Seen by Utilities: **05/31/2013**  
Date Reported: **10/31/2011**

Service Phone: **(985) 637 7586**  
Phone Type: **Unknown**  
Listing Type: **Unknown**  
Time Zone: **CT**  
Carrier: **SPRINT SPECTRUM LP**  
Carrier Type: **WIRELESS**  
City: **HOUMA**  
State: **LA**

Billing Address: **PO BOX 302, MATHEWS, LA 70375-0302 (LAFOURCHE PARISH)**

## Vehicles

### Current Vehicle Information (1 Found)

Registered: 04/17/2017 to 04/15/2019

2002 MAZDA -Series: WAGON -Model: MPV  
VIN: [JM3LW28J320300856](#)  
Body Style: WAGON 4 Door 7P -Vehicle Type: Truck  
Weight: 3794 lbs -Length: 187.8"  
Colors: **Beige and Beige**

Doors: 4  
MSRP: \$22,770  
Plant: HIROSHIMA, JAPAN  
Restraint Type: DRIVER AND PASSENGER FRONT AND FRONT  
SIDE AIRBAGS, ACTIVE BELTS  
Gross Vehicle Weight Range: 5001-6000  
Gross Vehicle Weight Rating: 5229  
Height: 68.7  
Width: 72.1  
Wheel Base: 111.8  
Wheel Dimensions: 15.0  
Max Payload: 1417 - 1435  
Drive Type: FWD  
Fuel: GAS 19 Gallon  
Engine: 3.0L V6 NATURALLY ASPIRATED  
Transmission: 5 Speed AUTOMATIC

#### Most Current Owner/Registrant/Lien Information - 04/17/2017 to 04/15/2019

##### Title Holders

Jane Doe [aw Person Record \]](#)  
123 Main St. **PORT, LA 70374-2704 (LAFOURCHE**

Title Number: B5445857  
State Titled In: LA  
Original Title Date: 05/21/2014  
Title Transfer Date: 05/21/2014

##### Lien Holders

None Found

##### Lessors

None Found

##### Registrant

Jane Doe [Z \[ View Person Record \]](#)  
/2017 to 04/15/2019

**Addresses Registered to While owned by BRAD M CORTEZ**  
110 FRANCIS ST, LOCKPORT, LA 70374-2561 (LAFOURCHE  
PARISH) (04/17/2017)

## Liens

### Liens (2 Found)

Last Refile Or Lien Extension Date: 10/30/2023  
Recording Date: 05/26/2015  
Tax Lien Date: 05/14/2015  
Federal Tax Lien Area: **Small Business**  
Jane Doe [ROBERTSON \[ View Person Record \]](#)  
123 Main St. [ROBERTSON \[ View Business Record \]](#)  
Address: 123 Main St. **THIBODAUX, LA 70301-9025 (LAFOURCHE PARISH)**  
Filing County: **Lafourche, LA**  
Total Lien Amount: \$17,745  
Deed Category Type: **Placement**  
Damar Document Type: **Federal Tax Lien**  
Recording Book Number: 1724  
Recording Book Number: 1724  
Recording Page Number: 467  
Federal Tax Lien Area: **Small Business**  
Tax Lien Serial Lien Certificate Number: 157488015  
Kind Of Tax: 1040  
Tax Period Minimum: 12/31/2012  
Tax Period Maximum: 12/31/2013  
Federal Tax Lien Prepared And Signed City: **NASHVILLE**  
Federal Tax Lien Prepared And Signed State: **TN**

## Employers

### Possible Employers (7 Found)

Business Name: **OCHNER ST ANN (02/22/2021)**

Business Name: **OCHNER ST ANN (02/22/2021)**

Phone: **(985) 226-6867 (CT) OCHNER ST ANN**

Business Name: **OCHNER ST ANNE (02/22/2021)** [ [View Business Record](#) ]

Phone: **(985) 537-8641 (CT) OCHNER ST ANNE**

Business Name: **WALMART (09/18/2020)** [ [View Business Record](#) ]

Phone: **(985) 217-3665 (CT) WALMART**

Address: **6411 W PARK AVE, HOUMA, LA 70364 (TERREBONNE PARISH)**

Business Name: **WALMART (09/18/2020)** [ [View Business Record](#) ]

Phone: **(985) 851-6373 (CT) WALMART**

Address: **1633 MARTIN LUTHER KING JR BLVD, HOUMA, LA 70360 (TERREBONNE PARISH)**

Business Name: **WALMART (09/18/2020)** [ [View Business Record](#) ]

Phone: **(985) 917-0151 (CT) WALMART**

Address: **933 GRAND CAILLOU RD, HOUMA, LA 70363 (TERREBONNE PARISH)**

Business Name: **WALMART (07/06/2018)** [ [View Business Record](#) ]

Phone: **(985) 532-6936 (CT) WALMART**

Address: **4858 HIGHWAY 1, RACELAND, LA 70394 (LAFOURCHE PARISH)**

## *Motor vehicle Sightings*

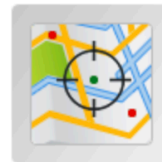
1. Based on license plate # or VIN
2. Based on an address

Vehicle sightings and frequently visited locations can be developed.



### Address Search

Use Address Search to search up to 20 addresses for license plates detected. Analyze the results to find relationships (common links) between vehicles and locations.



### Vehicle Search

Use License Plate Search to search for detections of a license plate. Analyze the address search results, such as frequency of visits and time of day and day of week, to predict a vehicle's location.



### Picture Search

Use Picture Search by Single License Plate to search for pictures related to detection's of a single license plate.

#### Search Plate

Plate	Reg. State	Filtered States	Q	↺
-------	------------	-----------------	---	---

#### Search VIN

VIN	Filtered States	Q	↺
-----	-----------------	---	---

**TARGET LICENSE PLATE: 795DEM**

**First Seen: 12/06/2019 02:45 AM**

**Last Seen: 06/08/2022 12:40 PM**



Most recent Sighting  
06-08-22  
12:40:32 PM



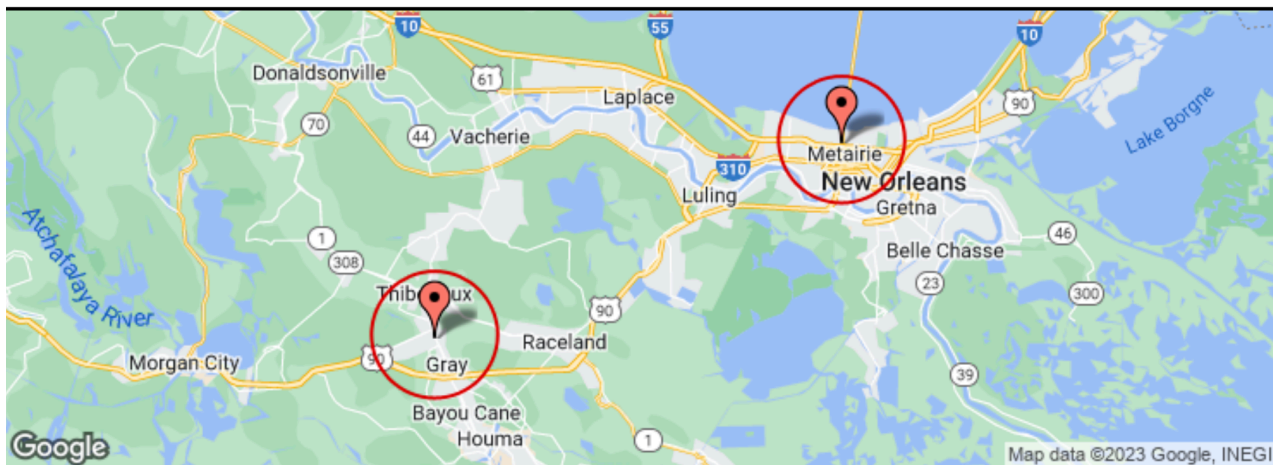
Most Recent Daytime Sighting  
06-08-22  
12:40:32 PM

Total Addresses Analyzed: 2  
Total Detections: 7

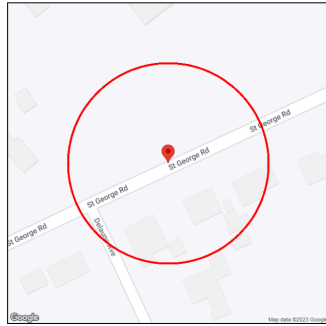
### Location Summary

Tag #	Address Type	Subject Address Input	Location Type	Times Subject Vehicle Sighted	Total Site Visits with LPR	% Seen per Visit	Vehicle Popularity at Location	Vehicle First Seen Date	Vehicle Last Seen Date	Locator Score	Vehicle Seen More During
795DEM	Second Most Popular Sighting Location	107 St George Rd, Schriever, LA 70395, USA <i>Last LPR visit date: 06/08/2022</i>	Unknown	5	15	33.33%	Mid	12/06/2019 02:45:54	06/08/2022 12:40:32	1	Varied
795DEM		3158-3088 N Causeway Blvd, Metairie, LA 70002, USA <i>Last LPR visit date: 03/08/2023</i>	Retail / Public	2	902	0.11%	Low	03/19/2021 19:12:16	03/19/2021 19:12:17	0	Varied

### Location Maps

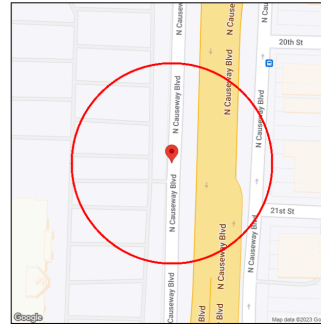


## Map View of all Detections



1. 107 St George Rd, Schriever, LA 70395, USA

- \* Total Detections: 5
- \* First Seen: 12-06-19
- \* Last Seen: 06-08-22



2. 3158-3088 N Causeway Blvd, Metairie, LA 70002, USA

- \* Total Detections: 2
- \* First Seen: 03-19-21
- \* Last Seen: 03-19-21

## Scoring Legend

Popularity or Last Seen Score:	
Green	2
Yellow	1
Red	0

Time Frame	Label
0600 x 1000	Varied
1000 x 1800	Day
1800 x 2300	Varied
2300 x 0600	Night

Tag #	Address Type	Subject Address Input	Location Type	Times Subject Vehicle Sighted	Total Site Visits with LPR	% Seen per Visit	Vehicle Popularity at Location	Vehicle First Seen Date	Vehicle Last Seen Date	Locator Score	Vehicle Seen More During
ABC123		633 North Milwaukee Street, Boise, ID 83704, USA	Retail / Public	1	21	4.76%	Low	12/20/2011 19:27:15	12/20/2011 19:27:15	0	Varied
ABC123	Most Popular Sighting Location	8930-8952 East Bahia Drive, Scottsdale, AZ 85260, USA	Workplace	5	24	20.83%	Mid	03/08/2011 14:05:04	09/13/2011 13:58:04	1	Day
ABC123	Second Most Popular Sighting Location	1243 Schulte Hill Drive, Maryland Heights, MO 63043, USA	Residential	3	59	5.08%	Mid	03/14/2011 23:37:54	03/24/2011 01:09:59	1	Night

Locator Score:	
Likely	4
Possible	2-3
Least Likely	0-1



- 1 Vehicle Popularity:**  
 If vehicle is in the Top 10% of most popular vehicles seen at this location, score is (2) and highlighted green to indicate **High Popularity**  
 If vehicle is in the Top 11-20% of most popular vehicles seen at this location, score is (1) and highlighted yellow to indicate **Medium Popularity**  
 If vehicle is below the top 20% of most popular vehicles seen at this location, score is (0) and highlighted red to indicate **Low Popularity**
- 2 Vehicle Last Seen:**  
 If the vehicle has been seen within the last 30 days, score is (2) and highlighted green.  
 If the vehicle has been seen between 31 days to 1 year prior, score is (1) and highlighted yellow.  
 If the vehicle has been seen longer than 1 year prior, score is (0) and highlighted red.
- 3 Time of Day:**  
 Label is determined when any time frame is equal to more than 10% of any other time frame.  
 Example: 10 total sightings: 3=Day, 5=Night, 2=Varied. Label = Night due to highest frequency, greater than 10%.
- 4 Locator Score:**  
 Vehicle Popularity Score + Vehicle Last Seen Date = Locator Score.  
 Score is (4) and highlighted green to indicate likely to locate.  
 Score is (2-3) and highlighted yellow to indicate possible likelihood to locate.  
 Score is (0-1) and highlighted red to indicate least likelihood to locate.

## *Office of Motor Vehicle Reports*

- Most database information in this area is archived; in Louisiana some MVR features can be assessed instantly and are current
- Providers of MVR information must adhere to state laws regarding the release and disclosure of information

### Driver's license

**Louisiana**  
PERSONAL DRIVER'S LICENSE

Don't Drink And Drive  
Don't Litter Louisiana

*Jan Dupre Boudreaux*


LICENSE ID NO	CLASS	EXPIRATION DATE
00234566	E	06-14-2010

ENDORSEMENTS      RESTRICTIONS

Boudreaux, Jan Dupre  
123 Main Street  
Montegut, LA 70377

DATE OF BIRTH      SS NUMBER      PARISH  
06-14-1967      [REDACTED]      26

SEX	HGT	WGT	ISSUE DATE	OFFICE	AUDIT
F	5-11	180	06-02-2006	070	8006





**Driving record #1**

<b>PERSONAL DATA REPORTED:</b>	
NAME: Boudreaux, Jan Marie	
ADDRESS: 8923 Bayou Road, Bourg, LA	
DATE OF BIRTH: 10/22/1979	PHYSICAL DESCRIPTION: SEE BELOW
<b>LICENSE REPORTED:</b>	
STATE: LOUISIANA	LICENSE NUMBER: 008568596
ISSUE DATE:	EXPIRATION DATE: 10/22/2026
STATUS: SUSPENDED	
CLASS: E	
RESTRICTIONS: SEE BELOW	
ENDORSEMENTS: NONE	
<b>HISTORY REPORTED:</b>	

\*\*\*\*\* PERSONAL DESCRIPTION \*\*\*\*\*

GENDER: F

\*\*\*\*\* LICENSE(S) DATA \*\*\*\*\*

LICENSE NUMBER: 00856786

(1) LICENSE TYPE: NON COMMERCIAL  
 STATE CLASS CODE: E  
 LICENSE CLASS: ALL TYPE NON COMMERCIAL VEH  
 STATUS: PERSONAL - SUSPENDED  
 EXPIRATION DATE: 10/22/2026  
 RESTRICTIONS: INTERLOCK REQUIRED  
 ENDORSEMENTS: NONE

\*\*\*\*\* DRIVING HISTORY \*\*\*\*\*

CONVICTION(S):

- (1) ISSUE DATE: 02/23/18  
 CONVICTION DATE: 03/27/18  
 DESCRIPTION: D W I FIRST OFFENSE  
 COURT: HAHNVILLE JUDICIAL  
 VIOLATION TYPE: PRIVATE  
 ACTION: D W I FIRST OFFENSE  
 SUSPENSION TYPE: SUSPENSION  
 INDICATOR: PERSONAL  
 SUSPENSION LENGTH: 0730 DAYS  
 SCHEDULED REINSTATEMENT DATE: 03/25/20  
 REINSTATED: Y
- (2) ISSUE DATE: 11/22/21  
 CONVICTION DATE: 01/18/22  
 DESCRIPTION: WRITTEN PROMISE  
 COURT: MORGAN CITY  
 VIOLATION TYPE: PRIVATE  
 ACTION: WRITTEN PROMISE  
 DISPOSITION: PAID RECEIPT REQUIRED  
 FEE STATUS: FEE  
 SUSPENSION TYPE: SUSPENSION  
 INDICATOR: PERSONAL  
 SUSPENSION LENGTH: INDEF  
 SCHEDULED REINSTATEMENT DATE: 00/00/00  
 REINSTATED: N

MISCELLANEOUS:

- PERSONAL SUSPENSION DUE TO FAILURE TO APPEAR IN COURT FOR A TRAFFIC OFFENSE.
- PERSONAL RENEWAL PRIVILEGES ARE CURRENTLY BLOCKED PENDING PROOF OF LIABILITY INSURANCE.

**REPORT ENDED . 10/31/2023**

***Driving record #2***

LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS OFFICE OF MOTOR VEHICLES



Mandatory insurance requirements mandate the recording of all motor vehicle accidents without regard to fault. Accident involvement indicated on this report does **NOT** mean this individual was at fault or given a citation.

**PERSONAL DATA REPORTED:**

**NAME:** PATRONE, KATHY LULU

**ADDRESS:** 4536 FARM ROAD, DONALDSONVILLE, LA 70346

**DATE OF BIRTH:** 08/27/1986

**PHYSICAL DESCRIPTION:** SEE BELOW

**LICENSE REPORTED:**

**STATE:** LOUISIANA

**LICENSE NUMBER:** 8666990

**ISSUE DATE:**

**EXPIRATION DATE:** 08/27/2011

**STATUS:** SUSPENDED

**CLASS:** E

**RESTRICTIONS:** SEE BELOW

**ENDORSEMENTS:** NONE

**HISTORY REPORTED:**

**\*\*\*\*\* PERSONAL DESCRIPTION \*\*\*\*\***

GENDER: F

**\*\*\*\*\* LICENSE (S) DATA \*\*\*\*\***

LICENSE NUMBER: 8666990

(1) LICENSE TYPE: NON COMMERCIAL  
STATE CLASS CODE: E  
LICENSE CLASS: ALL TYPE NON COMMERCIAL VEH  
STATUS: **PERSONAL - SUSPENDED**  
EXPIRATION DATE: 08/27/2011  
RESTRICTIONS: GLASSES/CONTACTS  
ENDORSEMENTS: NONE

**\*\*\*\*\* DRIVING HISTORY \*\*\*\*\***

CONVICTION(S) :

(1) ISSUE DATE: 07/25/2007                      CONVICTION DATE: 12/05/2007  
DESCRIPTION: SPEEDING                      COURT: GONZALES  
VIOLATION TYPE: PRIVATE

MISCELLANEOUS:

- PERSONAL SUSPENSION DUE TO FAILURE TO APPEAR IN COURT FOR A TRAFFIC OFFENSE.

**END OF REPORT**

**PRIVATE INVESTIGATORS & ATTORNEYS:  
WORKING TOGETHER SERIES**

## All registered vehicles

ALL REGISTERED VEHICLE INFORMATION REPORTED:									
VEHICLE INQUIRY BY OWNER IS	NAME	Boudreaux, Jan Dupre							
		1/144							
Boudreaux, Jan Dupre									
45 Lake Drive, Houma, LA 70360									
EC13018G220995	MAKE	CHEV	MODEL	006000	BODY	PK			
08	COLOR	BLU	MICROFILM	1111111111					
E X0398353	EXPIRES	072012	DRIVER'S LIC	5097144	EIN	LA5369687	FLAGS	1L	
Boudreaux, Jan Dupre									
45 Lake Drive, Houma, LA 70360									
JA23D48S560771	MAKE	CHEV	MODEL	HHR	BODY	LL			
08	COLOR	BLK	MICROFILM	1111111111					
E SXD980	EXPIRES	082011	DRIVER'S LIC	5097144	EIN	FLAGS 1L			
AL PLATES:									
J713490	TYPE:	PK	EXP DATE:	052009					
JH198	TYPE:	LL	EXP DATE:	092008					

## PI: Lagniappe

### *Tracking device*

Under recent Louisiana legislation, the new law related to tracking devices prohibits the tracking of the location or movement of another without the consent of that person. (*R.S. 15:323, effective 2010*)

This law provides for certain exceptions; however, it does not specifically provide an exception for private investigators. **[A copy of this law may be found in the Appendix D]**

### Example from the headlines:

“Two Cleared of Allegations that they helped use GPS to track coach” Houma Courier, 08/24/2010 – *[a copy is attached in Appendix E]*

### *Wiretapping*

Federal and state laws which prohibit the illegal acquisition of certain electronic signals. (*R.S. 15:1303*)

Telephone Conversation: In 1991, a New Jersey trial court in the case of *M.G. v. J.C.*, 254 N.J. Super. 470 (Ch. Div. 1991), addressed the issue of whether a husband violated the wiretapping statute by taping his wife’s telephone communications in the marital home, and whether such actions could result in damages. The court ruled that it was illegal for a person to record the phone conversations of his spouse with another person. The court reasoned that the invasion of privacy

was severe, and found that the secretive taping of a spouse's telephone calls under those circumstances was an egregious invasion that warranted both compensation and punitive damages.

**Inadmissible in court:** In New Jersey, the use of an unauthorized taped conversation is inadmissible in court because the illegal taping violates state and federal law. The spouse could be civilly or criminally liable as a result of attempting to introduce such information.

General rule for telephone conversations:

**“Two party” rule** – All parties to a telephone conversation must provide their consent to have their conversations recorded, unless the recordation is made under circumstances where there is no expectation of privacy.

- (11 states follow this rule including: California, Connecticut, Florida, Illinois, Maryland, Massachusetts, Michigan, Montana, Nevada, New Hampshire, Pennsylvania and Washington.)
- Note: California courts have ruled that a person or business calling from a “one-party” rule state into a “two-party” rule state must sometimes obtain the consent from all the parties in order to be in compliance with the law.

**“One party” rule** – If at least one party to a telephone call agrees to record the call, it is absolutely legal to record that call. The “one party” rule is supported by federal law and the majority of states.

**Google:** When Google began the Street View project in 2007, many privacy concerns were raised, but the debates focused almost exclusively on the collection and display of images obtained by the Google Street View digital cameras. It turns out that Google was also obtaining a vast amount of Wi-Fi data from Wi-Fi receivers that were concealed in the Street View vehicles. Following independent investigations, Google now concedes that it gathered MAC addresses (the unique device ID for Wi-Fi hotposts) and network SSIDs (the user-assigned network ID name) tied to location information for private wireless networks. Google also admits that it has intercepted and stored Wi-Fi transmission data, which includes email passwords and email content. Following numerous protests around the world, Google ended its illegal collection of wifi data transmissions. The company, which originally claimed it was not even collecting wifi data, was forced to admit that it had collected payload data, although at first Google only admitted to collecting "fragments" of such data. Eventually after investigations revealed it, Google acknowledged that "in some instances entire emails and URLs were captured, as well as passwords."

As of January 2011, investigations are going forward in at least 12 countries, and at least 9 countries have found Google guilty of violating their laws.<sup>13</sup>



<sup>13</sup> Investigations of Google Street View. November 4, 2011. <http://epic.org/privacy/streetview/>

## *Spoofing*

Spoofing is the act of one person pretending to be someone else, usually in an effort to scam someone or otherwise commit either fraudulent or fairly malicious acts. The word “spoof” is often used in entertainment to mean a type of media that uses imitation to parody another program or work of entertainment. In the sense that it is used in security and fraud, however, spoofing is used because a person is using imitation to appear to be another person or service and gain sensitive information or otherwise maintain an advantage over the unwitting victim.

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## Federal Law

### Truth in Caller ID Act of 2009

The Truth in Caller ID Act of 2009, which was signed into law Dec. 22, 2010, prohibits caller ID spoofing for the purposes of defrauding or otherwise causing harm. In June 2010, The Federal Communications Commission (FCC) adopted rules implementing the Truth in Caller ID Act.

The FCC’s rules:

- Prohibit any person or entity for transmitting misleading or inaccurate caller ID information with the intent to defraud, cause harm, or wrongfully obtain anything of value.
- Subject violators to a penalty of up to \$10,000 for each violation of the rules..

Exempt authorized activities by law enforcement agencies and situations where courts have authorized caller ID manipulation to occur.<sup>14</sup>

## Louisiana Law

### RS 51:1741.4. Unlawful acts; exceptions

A. It shall be unlawful for a caller to knowingly insert false information into a caller identification system with the intent to mislead, defraud, deceive, cause harm, or wrongfully obtain anything of value.

B. The provisions of this Chapter shall not apply to:

- (1) Any blocking of caller identification information.
  - (2) Any municipal, parish, state, or federal law enforcement agency pursuant to an active criminal investigation.
  - (3) Any federal intelligence or security agency.
  - (4) Any private investigator licensed by the state of Louisiana or any duly authorized process server that is used in connection with a civil, criminal, administrative, or arbitral proceeding, including the service of process, investigation in anticipation of litigation, the execution or enforcement of judgments, or compliance with the orders of any court.
  - (5) Caller identification manipulation specifically authorized by court order.
- Acts 2009, No. 105, §1; Acts 2018, No. 652, §1.

Different types of spoofing include those involving:

- **Caller ID** - involves the use of a computer program to create an incorrect identity and phone number that appears on a caller ID. The development of caller ID allowed people to readily see who was calling without having to answer the phone. Caller ID spoofing allows a person to make a phone call appear as though it is coming from someone or somewhere else. Programs for caller ID spoofing allow a user to enter any name and phone number he or she wants and have that come up on the display of the receiving person’s caller ID. Some spoofing programs allow the caller to alter their voice.

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<sup>14</sup> <http://www.fcc.gov/guides/caller-id-and-spoofing> 02/29/2012

- Email – is the act of sending an email that shows an incorrect and inaccurate “From:” line. This means that someone receiving an email may believe it has come from a person or service he or she knows, when really the email may originate from somewhere else. These types of email spoofs are often used as part of a “phishing” scheme that also typically involves some time of URL spoofing as well.

### How does email spoofing work?

If you're not a programmer, your only familiarity with email may be as a user of an "email client", like Microsoft Outlook. These programs hide the inner workings from you, so when you send an email, it automatically puts your real return address in the "sender" field. But any programmer familiar with internet protocols can easily manipulate these "email headers" and construct an email manually. That allows them to insert whatever address they want in the sender field, such as [JoeBlow@FBI.gov](mailto:JoeBlow@FBI.gov) and it will look as real as any email to the recipient. This technique is now commonly used by [mass-mailing worms](#) as a means of concealing the true origin of the propagation.

Unfortunately, it is easy to spoof email because SMTP (the Simple Mail Transfer Protocol, which is the most commonly used technology behind all email) lacks authentication. A common misconception is that the "IP address" can also be spoofed, to hide your IP address while surfing the Internet, chatting on-line, sending e-mail, etc. That is (generally) not true. It will work in emails for which no reply is needed or wanted - but then there will inevitably be links in the email for you to buy their products, and those links must be real (although, they may be on hijacked computers, with the owners unaware of the activity.)

### ***Postal Service Form***

The Postal Service does not have a database with the current address of all of its customers. It doesn't need that information since it delivers to addresses, rather than to individuals. However, if a customer moves and files a change of address order, that information is kept at the post office serving the last known address. The disclosure of customer name and address information is contained at section 265.6(d) of our regulations (39 CFR 265), which can be accessed from the FOIA home page. Change of address information about individuals or families is available only to government agency requesters, to persons needing the information to serve legal process who meet certain requirements, or pursuant to a court order.

The Postal Service suggests the following format to be used in conjunction with regulations at 39 CFR 265.6(d)(4)(ii) by persons empowered by law to serve legal process when requesting change of address or boxholder information. *[See sample form in Appendix F.]*

## **Louisiana laws & cases involving private investigators**

An attorney should be familiar with the state laws and cases involving private investigators in litigation to avoid problems in the courtroom. Below are a few examples in which the evidence obtained by the private investigator was important to the case and how that evidence was treated by courts in terms of admissibility.

### ***Surveillance videotapes***

#### **Louisiana Supreme Court**

- **Oliver v. LeJeune, 668 So2d 347 (La. 02/28/96) – La. Supreme Court admissible for impeachment purposes.**

Motorist and wife brought action arising from automobile accident against driver of second vehicle and driver's insurer. After driver and insurer stipulated to liability, trial was held in which court allowed admission of surveillance videotape of motorist's activities, and the Sixteenth Judicial District Court, Parish of St. Martin, No. 51,836, Edward A. de la Houssaye, III, J., entered judgment on jury verdict awarding motorist \$5,500 for past medical expenses and \$1,000 for mental pain and suffering. Motorist and wife appealed, and the Court of Appeal, 649 So.2d 753, reversed and rendered judgment. Writ was granted, and the Supreme Court, Watson, J., held that: (1) trial court did not abuse its discretion in admitting surveillance videotape, and (2) Court of Appeal accordingly had erred in reviewing damage award de novo rather than under much discretion standard.

Since the accident, Mr. Olivier testified his back becomes painful from sitting or standing too long and he must take aspirin. He has become tense, frustrated and upset and cannot cope with people as he would like due to the back strain. He can no longer play cards or travel because he cannot sit for long periods of time without back pain. He and his wife no longer enjoy a sexual relationship. A change in the weather affects his back.

Defense counsel introduced a transcript of Mr. Olivier's deposition into evidence for impeachment purposes. Thus, the jury had before it differing sworn statements regarding Mr. Olivier's back injury. Defense counsel next sought to introduce into evidence a surveillance videotape which showed Mr. Olivier performing various activities one week prior to trial. Although the activities shown on the videotape were consistent with Mr. Olivier's trial testimony, they were inconsistent with his earlier sworn deposition.

Plaintiffs objected to the admission of the videotape arguing that the acts captured on the videotape were not inconsistent with Mr. Olivier's trial testimony and, therefore, the videotape was inadmissible as impeachment evidence. Additionally, the plaintiffs objected to the admission of the videotape as direct evidence, arguing that its probative value was outweighed by its prejudicial effect and that the tape would not assist the jury in determining damages.

The question of whether or not Mr. Olivier can do the things which he claims he can do or can't do the things which he claims he can't do is a matter which is a

matter of fact which addresses itself to the trial jury and not to this Court. Vol. 3, p. 525.

Further, since the jury was presented with differing sworn statements regarding the plaintiff's claimed injury, the defendants were entitled to introduce evidence which tended to show that the plaintiff's testimony had changed over time. This conclusion is strengthened by the temporal factor present here. One month prior to trial, the plaintiff described his limitations and other details regarding his claimed injuries in a certain way. After a surveillance videotape was filmed and provided to plaintiffs' counsel pursuant to continuing discovery requests, (*Defendants' Brief*, p. 7, 13), the plaintiff's trial testimony differed from his previous sworn statement and conformed to the videotape. These circumstances are relevant to a witness credibility determination.

In this case, the trial judge viewed the surveillance videotape *in camera*. Out of the jury's presence, the legal investigator who filmed Mr. Olivier was questioned and cross-examined. The trial judge specifically found the defense established a proper predicate for the videotape's introduction. The trial judge reviewed jurisprudence admonishing trial courts to be careful and cautious in admitting videotapes due to the possibility of juror confusion or misinformation. After determining the videotape was admissible, the trial judge did not limit either party from making such arguments to the jury as they deemed necessary and advisable. The trial judge did not preclude further testimony by Mr. Olivier to explain the videotaped activities.

Considering these circumstances, the court of appeal erred in finding the trial judge abused his discretion in admitting the videotape into evidence and in reviewing the jury's award of damages *de novo*.

- **Scott v. Poole's Classic Travels, Inc., 874 So2d 835 (La. 05/25/2004) - obtaining video on school grounds admissible.**

**Background:** In action to recover for injuries from automobile and bus collision, injured driver filed a motion in limine to exclude surveillance videotape obtained by private investigator for bus owner. The Circuit Court, Orleans Parish, excluded videotape. Bus owner applied for supervisory writs. The Court of Appeal denied the writs. Bus owner petitioned for certiorari review.

**Issue before the court:** Poole's Classic Travels, Inc. ("Poole's") seeks review of a ruling of the district court which excluded a surveillance videotape of plaintiff, on the ground that the evidence was obtained by a person acting in violation of La. R.S. 17:416.10, which prohibits unauthorized visitors on school grounds. For the reasons that follow, we reverse the judgment of the district court and remand the case for further proceedings.

**Holding:** The Supreme Court held that statute which provided criminal penalties for persons who went on school grounds without proper authority did not bar the



admission of surveillance videotape of school teacher on school grounds in civil action to recover for injuries sustained in an automobile collision.

- **Wolford v. JoEllen Smith Psychiatric Hospital, 693 So2d 1164 (La. 1997) – claimant can be deposed prior to release of videotape.**

Woman who was allegedly injured while participating in obstacle course exercise as part of family therapy program brought personal injury action against psychiatric hospital which operated program. After woman made discovery request for any surveillance videotapes in defendant's possession, defendant admitted possessing videotapes but refused to produce tapes until after taking supplemental deposition of woman. The Civil District Court, Parish of Orleans, Div. "A", No. 91-19919, ordered defendant to immediately disclose tape. After writ application was denied by the Court of Appeal, defendant petitioned for writ of certiorari.

The Supreme Court, Marcus, J., held that: (1) absent special circumstances, defendant in possession of surveillance videotape of personal injury plaintiff is entitled to depose plaintiff prior to disclosure, and (2) predisclosure supplemental deposition was warranted under facts of case. District Court affirmed in part and reversed in part.

**Discussion by the Court:** With these general discovery rules in mind, we turn to an examination of the narrow issue before us involving the timing of the discovery of surveillance videotape in relation to the deposition of the plaintiff. This court has addressed this issue twice before. In *Moak v. Illinois Central Railroad Company*, 93-0783 (La.1/14/94), 631 So.2d 401, the court held that the trial judge has the discretion to determine the appropriate timing for the pre-trial discovery of surveillance materials. The court reasoned that Louisiana has broad discovery rules and has traditionally granted trial courts broad discretion when regulating pre-trial discovery. The court could "discern no difference between this [surveillance materials] and the discovery of any other evidence...." *Id.* at 406. In granting the trial judge this broad discretion, the court emphasized that the trial judge is in the best position to determine when the production of surveillance materials "will most likely assist the search for truth."

The court addressed the timing issue a second time in *McNease v. Murphy Construction Company*, 96-0313 (La.11/8/96); 682 So.2d 1250. The court applied the *Moak* holding but found that the fact that the defendant previously released the surveillance videotape to the plaintiff's doctor to influence him to terminate the plaintiff's treatment constituted a "special circumstance" which mandated a modification of the trial judge's discretion. In such a case, the court stated that the surveillance videotape should be provided to all parties, regardless of whether the defendant has had the opportunity to take the plaintiff's deposition.

We agree with *Moak* that surveillance materials are generally discoverable and with *McNease* that there may be some special circumstances that would justify pre-deposition disclosure of them. However, we disagree with *Moak*'s conclusion that there is nothing that distinguishes surveillance materials from other evidence that

would necessitate delaying their production until after the deposition of the plaintiff. To the contrary, surveillance videotape has potential value as a unique impeachment tool, distinct from other forms of evidence, that would be irrevocably lost if the defendant were required to turn it over before fully deposing the plaintiff about his activities and injuries.

We also disagree with *Moak*'s conclusion that the search for truth is best served by the exercise of the trial judge's complete discretion as to the timing of pre-trial discovery of surveillance materials. Rather, the search for truth is best served by a general rule favoring post-deposition production of surveillance videotape. The credibility of the plaintiff in a personal injury case is key. Surveillance videotape can be a critical means of testing the plaintiff's credibility with respect to the physical injuries and limitations claimed. Surveillance videotape picturing the plaintiff engaged in physical activity has the potential to reveal inconsistencies between the plaintiff's claimed injuries and resulting limitations and the plaintiff's actual abilities. However, any potential impeachment value would be destroyed by ordering pre-deposition disclosure of such surveillance materials. If the plaintiff were to view the surveillance videotape prior to being deposed as to his physical injuries and limitations during the time period pictured in the videotape, he would be more likely, either inadvertently or deliberately, to tailor his testimony to correspond with the actions pictured in the videotape. On the other hand, if the surveillance videotape were held until after the plaintiff were deposed, the plaintiff who testifies truthfully would be supported by the surveillance videotape, free from doubt about whether he tailored his deposition testimony to conform to the videotape. Either way, delaying the production of the videotape until after the plaintiff has been fully deposed aids in the search for the truth.

We thus modify our holding in *Moak* in favor of a general rule giving preference to post-deposition disclosure of surveillance materials. The general rule is that the plaintiff's deposition precede the production of the surveillance videotape, absent a showing by the plaintiff of special circumstances. This rule best serves the overarching purpose of our system of justice—to search for the truth. Ours is an adversarial system of justice that relies on the ability and resources of adversaries to uncover the truth by testing each other's evidence through a variety of methods, the most important of which is cross-examination. Moreover, in an adversarial system, the defendant has a right to a defense and to cross-examination. In a personal injury case, surveillance videotape can be critical to the defendant's defense and ability to effectively cross-examine the plaintiff. Surveillance materials may thus serve an important function in the search for truth and, absent special circumstances, their value should be preserved by delaying their disclosure until after the deposition of the plaintiff.

However, we recognize that surveillance videotape may not be totally reliable, that it may be taken out of context, and that it is vulnerable to manipulation through various editing techniques. For these reasons, we emphasize that although the production of surveillance videotape is to be delayed until after the plaintiff's deposition, the plaintiff is entitled to the videotape a reasonable time before trial, so

as to give the plaintiff ample time to determine any weaknesses in the videotape. Our rule thus balances the defendant's need to preserve valuable potential impeachment evidence for use during cross-examination and the plaintiff's need to determine whether the videotape is authentic or misleading.

Turning to the particular facts and circumstances of this case, the record does not disclose any special circumstances that necessitate disclosure of the surveillance videotapes before defendant has the opportunity to take a supplemental deposition of Mrs. Wolford. Her one and only deposition took place in January, 1993, more than four years ago. It is not unreasonable for defendant to now want to take another deposition of Mrs. Wolford to question her about her injuries during the time period that has elapsed since the first deposition. Plaintiffs' claim is still pending. They have alleged on-going medical injuries and attendant physical limitations, which may have changed over time. It is appropriate that Mrs. Wolford be deposed again. Moreover, plaintiffs are claiming damages for every day of every year since the accident, which occurred in 1990. It is of no moment that the videotapes were taken in 1993 and 1995. Plaintiffs should be fully conversant with the injuries for which they are claiming damages, for the entire time period included in the claim. It is also important to note that plaintiffs did not request the production of the surveillance videotapes until 1996, at which time defendant was forthcoming about the existence of the two surveillance videotapes in its possession.

Since plaintiffs have failed to show any special circumstances that would necessitate pre-deposition production of the surveillance videotapes, defendant is entitled to a supplemental deposition of Mrs. Wolford prior to releasing the videotapes to them. The trial judge thus abused her discretion in ordering the immediate disclosure of the surveillance videotapes.

#### DECREE

For the reasons assigned, the judgment of the trial court granting plaintiffs' motion to compel discovery of surveillance videotapes and ordering immediate disclosure of the videotapes is reversed and the motion to compel is denied. The trial court's judgment denying defendant's motion to compel the supplemental deposition of Mrs. Wolford is also reversed, and the motion to compel is granted. All costs are assessed against the plaintiffs.

#### Louisiana Circuit Courts

- **Clark v. Matthews, 891 So.2d 799 (La. App. 5<sup>th</sup> Cir. 1/11/05)**  
**Background:** Motorist brought action against intoxicated motorist and his insurer, motorist's insurer, and motorist's employer's insurer after motorist sustained injuries upon being struck head on by intoxicated motorist. The Twenty-Fourth Judicial District Court, Jefferson Parish, No. 566-788, Division "O," Ross P. LaDart, J., entered judgment notwithstanding the verdict in favor of motorist, increasing portions of jury's award for compensatory and punitive damages. Defendants appealed.

**Holdings:** The Court of Appeal, James L. Cannella, J., held that:  
1 surprise discovery of surveillance videotape violated pre-trial discovery and was unfair to plaintiff;  
2 trial judge properly increased award for future pain and suffering; and  
3 trial judge erred in increasing jury's award for loss of earning capacity to motorist. Affirmed in part, reversed in part, and amended in part.

**Discussion by the Court:** The Defendants contend that the trial judge excluded the introduction of a surveillance video because the Plaintiff was not provided a copy in discovery proceedings. The Defendants contend that the trial judge erred in not admitting the tape because it was to be used for impeachment evidence, which does not have to be disclosed, and because the Plaintiff failed to ask for any video surveillance tapes in his discovery requests. The Defendants cite *Detillier v. Smith*, 94-34 (La.App. 5th Cir.5/31/94), 638 So.2d 445. The Plaintiff contends that surveillance tapes were included in his discovery request for the “production of investigator's reports.”

Following the Plaintiff's objection to the admission of the tape during trial, the trial judge determined that the Plaintiff's request for investigative reports submitted to the Defendants' prior to trial included the discovery of any video tapes of the Plaintiff. In addition, he concluded that, although counsel for Matthews did not personally have the tape, he was shown the tape prior to trial and used the information on it for cross-examination. The judge concluded that neither the information on the tape nor the tape could be used because they were not disclosed prior to trial.

In *Detillier*, the videotape was made during the trial. It was screened outside of the jury's presence by the judge and the parties' attorneys. It was admitted there because the video was impeachment evidence and because the Plaintiff had not requested discovery of any surveillance. Here, the Plaintiff requested disclosure of investigative reports. Thus, *Detillier* is inapplicable to our facts.

La.C.C.P. art. 1422 provides that any relevant matter, not privileged, is discoverable. Even information which will be inadmissible at trial, but that is “reasonably calculated to lead to the discovery of admissible evidence” is discoverable. Under this broad rule, surveillance videotape is discoverable material, which should be turned over a reasonable amount of time before trial. *Wolford v. JoEllen Smith Psychiatric Hospital*, 96-2460, p. 2 (La.5/20/97) 693 So.2d 1164, 1166. Video tapes are discoverable, whether or not they will be used at trial. *Moak v. Illinois Cent. R. Co.*, 93-0783, p. 6 (La.1/14/94), 631 So.2d 401, 405.

In *Wolford*, the court noted that a surveillance videotape ostensibly picturing a personal injury plaintiff engaged in physical activity is highly relevant to the plaintiff's claim for damages as the result of physical injury and that it could be used as substantive, corroborative, or impeachment evidence at trial. *Wolford*, 96-2460 at 2, 693 So.2d at 1166. The court further stated that the requirement that a surveillance videotape be disclosed a reasonable time before trial “is consistent with

the modern trend broadening the scope of discovery and narrowing the attorney work product exclusion from discovery” and “advances the objectives of pre-trial discovery-to discover and obtain facts pertinent to the litigation, to assist in trial preparation, to narrow and clarify issues, and to facilitate settlement and abandonment of less than meritorious claims.” *Wolford*, 96-2460 at 3, 693 So.2d at 1166. It also allows the plaintiff the opportunity to examine the video for authenticity and to expose any misrepresentation, in a medium that is especially susceptible to manipulation and distortion. In addition, although the defendant is not required to volunteer any information, a defendant must respond, either in the affirmative or the negative, to an interrogatory inquiring about the existence of surveillance videotape. *Id.* The trial judge has great discretion as to whether a surveillance video will be admitted at trial. *Olivier v. LeJeune*, 95-0053, p. 10 (La.2/28/96), 668 So.2d 347, 351.

In this case, we agree with the trial judge that the discovery of any surveillance by the Defendants was included in the request for discovery by the Plaintiff. Furthermore, the Defendants had an obligation to provide the tapes for the Plaintiffs' inspection within a reasonable time before trial, regardless of the reason that the Defendants intended to use it. In addition, photographs from the tape were shown to the Defendants' medical expert, Dr. David Aiken, Jr. over two months prior to trial, which, according to Dr. Aiken, caused him to change his opinion. Not until trial did the Plaintiff discover that Dr. Aiken's testimony would reflect that the photograph taken from the surveillance video affected his opinion and caused him to change his mind about an aspect of the Plaintiff's injuries. This surprise discovery violates the objectives of pre-trial discovery and was unfair to the Plaintiff. Thus, we find no abuse of the trial judge's discretion in excluding the videotape or information disclosed in that tape.

- **Howard v. Holyfield Construction, Inc., 839 So.2d 1277 (La App 2 Cir. 03/18/03) – dubbed videotapes admissible**

Claimant appealed the decision of the Office of Workers' Compensation, Parish of Ouachita, No. 01-04210, Brenza R. Irving, J., finding that the claimant made false statements for the purposes of obtaining workers' compensation benefits, and terminating claimant's right to benefits. The Court of Appeal, Drew, J., held that: (1) dubbed videotaped copies of claimant performing certain tasks were admissible; (2) finding that claimant made false statements for the purpose of obtaining benefits did not have a reasonable factual basis; and (3) evidence did not support claim that vocational counselor and physician communicated about claimant's rehabilitation without providing him notice and the opportunity to participate. Reversed in part, affirmed in part, and remanded.

**Discussion by the Court:** During the course of Howard's disputed claim, his activities were videotaped on several occasions by Robert DeFatta, a private investigator. DeFatta provided two VHS-format videotapes which he testified were copies of an original tape made in Sony Hi-8 format. The WCJ viewed the tapes over the objection of the claimant that the tapes were not the originals. One of the tapes shows Howard working on a fence on March 17, 2001. Howard's activities on

June 26 and June 27, 2001, are recorded on the other tape. Howard is shown working on a truck part on June 26, the date of his visit to Dr. Bailey. He is then shown working on a pickup truck on the next day. Howard also objected to the tapes on the grounds that they were irrelevant; he argued that they did not show him doing any activity outside of his medical restrictions, but the judge overruled this objection as well.

Howard contends on appeal that the WCJ erred in admitting dubbed copies of the surveillance videos into evidence. We disagree. La. R.S. 23:1317(A) reads, in part, “The workers' compensation judge shall not be bound by technical rules of evidence or procedure other than as herein provided, but all findings of fact must be based upon competent evidence....” The videotape evidence was sufficiently authenticated for the purpose of this hearing through the testimony of the private investigator and was clearly relevant. The private investigator testified that Howard was the person depicted on the tapes, and he gave a sufficient foundation to ensure the reliability of the tapes. Although the tapes were copies, there was no evidence that DeFatta had added or removed any portions of what he videotaped on the dates in question.

The next videotape made available to the WCJ was from June 2001. On June 26, Howard is depicted as working on what appears to be a pickup truck wheel that had been placed on the ground. Video was filmed on this date between 1:56 p.m. and 7:25 p.m., although the majority of the relevant activity occurred between 3:30 p.m. and 4:43 p.m. Once again, there are several gaps of time in the video. Exactly what Howard was doing is sometimes difficult to determine because he was often obscured by tall grass or weeds. In any event, Howard appeared to be working at times with a wrench. He is also shown cleaning the wheel with a rag, picking up the wheel with both hands and holding it upright, and dragging a part with both hands to the pickup truck. What particularly invoked the WCJ's ire was when Howard was shown at 3:52 p.m. pushing down on what appeared to be a crowbar in an attempt to pry a part off the wheel. The WCJ stated, “This is the same type of work that he was doing on the day that he said he was in so much pain that he can't do it.”

What is shown on the video from June 26 are mere minutes of Howard using a crowbar in a like manner to what he was doing on June 11. He was definitely prying with the crowbar from 3:51.34 to 3:52.10, from 3:52.36 to 3:52.56 and from 3:53.44 to 3:54.12, for a total of 84 seconds. He was arguably using the crowbar to pry from 3:55.10 to 3:55.20 and from 3:55.24 to 3:55.59, a total of 45 seconds. We compare this to Howard's testimony that he stopped working from pain on June 11 while attempting to pry a baseboard, *after* removing door trim and crown molding with a pry tool or, at the very least, Holyfield's testimony that Howard complained after working for a couple of hours.

The video of the final day of Howard's activities played for the court was June 27, 2001. Howard was shown working on what appeared to be brakes for the pickup truck. On this date, he was often obscured by the wheel well of the pickup truck where he was working. Howard appeared to be using a wrench at times. He is shown hitting a part with light taps from a unknown tool for less than one minute.

He is later shown tapping an auto part with a hammer for approximately 30 seconds and then for approximately 50 seconds.

### ***CONCLUSION***

At appellee's costs, the judgment is affirmed insofar as it denied appellant's claims that defendant violated La. R.S. 23:1127 and 23:1208; in all other respects, the judgment is reversed, and this matter is remanded.

### ***Family Law involving private investigators***

#### ***Louisiana Supreme Court***

- ***Larocca v. Larocca*, 597 So.2d 1000 (La. 1992) – private investigator established adultery.**

***Facts:*** Isabelle and Carlo **Larocca** were married in September, 1971 and had no children during their seventeen-year marriage. Isabelle had three children from a prior marriage. In 1988, the parties voluntarily separated. On November 28, 1988, a judgment of separation was rendered in favor of Carlo and against Isabelle based upon abandonment. Her asserted cruel treatment cause of action was dismissed by the district court in the same judgment which granted Carlo's reconventional demand.

Carlo then moved to Lake Charles. Suspecting adultery, Isabelle hired private investigators to conduct surveillance of his activities. Carlo filed this suit for divorce in early 1989 on the grounds of a one year voluntary separation of the parties. Isabelle answered and reconvened, seeking a divorce based on adultery. Included in her reconventional demand was the allegation that Isabelle had donated to Carlo a substantial amount of property in Jefferson Davis and Calcasieu Parishes in contemplation of their marriage. In her demand, she sought revocation of the property donation, even though she stated her belief that a judgment in her favor (granting the divorce on the basis of Carlo's adultery) would revoke the donations under the self-operative provisions of former Louisiana Civil Code Articles 156 and 159.

Isabelle's evidence at trial consisted of the testimony of three investigators and that of her son-in-law. She presented circumstantial evidence of Carlo's adultery. At the conclusion of Isabelle's case, Carlo moved for a directed verdict under La.C.C.P. art. 1672(B). The district court denied the motion. Carlo thereupon put on his evidence, which consisted of photographs showing the layout of the area surrounding the trailer where Carlo allegedly committed adultery, a photography expert disputing some of the testimony of the private investigators, and the testimony of his daughter, his good friend, his alleged paramour, and himself. On June 22, 1989, the district court found in favor of Isabelle, rendering a judgment of divorce based on Carlo's adultery. The judge was unimpressed with the testimony of Carlo and his witnesses, including his alleged paramour, Ms. Nehrt, and was satisfied with plaintiff's circumstantial evidence.

Louisiana Circuit Courts

- ***Arnoult v. Arnoult*, 690 So.2d 101 (La. App. 5 Cir. 02/12/1997)** – post-separation adultery established by private investigators. Husband was granted divorce by the Twenty-Fourth Judicial District Court, Parish of Jefferson, No. 475-499, Walter J. Rothschild, J., on ground of post separation adultery. Wife appealed. The Court of Appeal, Daley, J., held that finding of adultery was supported by evidence, including private investigators' testimony that wife was hugging and kissing her alleged paramour outside bar for 45 minutes before they went to his house at 3:30 a.m. Affirmed.

**Discussion by the Court:** Five witnesses testified at trial: Patricia **Arnoult**; Patricia **Arnoult's** alleged paramour, Whitney Duplantis; Elden B. **Arnoult**, Jr.; and two private investigators, Don Satullo and Raymond Leferve, hired by Elden B. **Arnoult**, Jr. The investigators testified that two incidents occurred during the period of surveillance relative to the issues before us. The first occurred on May 13, 1995 wherein Duplantis and Patricia **Arnoult** were observed leaving the Bengal Lounge in Metairie at about 3:50 a.m. The couple were observed leaning against Patricia **Arnoult's** car hugging and kissing. After about 35 minutes, they moved inside the car and continued embracing until about 5:55 a.m. Both investigators testified both heads would occasionally disappear from view. When Duplantis exited the vehicle, he was buttoning his shirt and rearranging his clothes.

On May 21, 1995, another incident occurred at the Bengal. Duplantis and Patricia were in the bar dancing and kissing before leaving at about 2:10 a.m. After 2:10 a.m. they got in Patricia **Arnoult's** car and were kissing in the car for about 45 minutes. Thereafter, Patricia **Arnoult** followed Whitney Duplantis to his house in Harahan. The investigators testified they arrived around 3:20 a.m., parked in the street, walked down the driveway and entered the house toward the rear. Both investigators testified they saw no lights come on in the house at any time during the surveillance. No one else either entered or exited the house. At about 5:30 a.m., Patricia **Arnoult** exited the house alone and returned to her apartment.

Patricia **Arnoult** and Whitney Duplantis both testified concerning the May 21 incident. They testified that upon leaving the Bengal Lounge Whitney Duplantis was hungry and they went to Taco Bell to get something to eat. While there, they were asked to leave because Whitney Duplantis entered the store with a beer can in his hand. They returned to where he was parked near the Bengal Lounge and began to eat. Because he did not have a drink, they left to go to his house. Patricia **Arnoult** followed him to be sure he made it home as Whitney Duplantis had been drinking. Once there, both testified that lights were turned on, the food was eaten and they began to watch television. Whitney Duplantis began falling asleep while watching television, so Patricia **Arnoult** left. Both maintain that they never had intercourse or oral sex on either occasion.

The trial court found the circumstantial evidence sufficient to prove Patricia committed adultery. The trial court's factual determination is entitled to great weight on appeal and will not be disturbed unless manifest error is shown. *Tablada*



*v. Tablada*, 590 So.2d 1357 (5th Cir.1991), citing *Pearce v. Pearce*, 348 So.2d 75 (La.1977); *Stewart v. Stewart*, 422 So.2d 1370 (1st Cir.1982).

The nature of the act of adultery requires that circumstantial evidence will most likely be used to sustain the proponent's burden of proof. A prima facie case of adultery can be made out by showing facts or circumstances that lead fairly and necessarily to the conclusion that adultery has been committed. *Coston v. Coston*, 196 La. 1095, 200 So. 474 (1941). Courts must look with caution to the testimony of an investigator hired by one spouse to watch the other spouse, and this evidence ordinarily should be corroborated by the facts and circumstances in evidence and/or by direct testimony of other witnesses. *McCartan v. Filkins*, 134 La. 795, 64 So. 717 (1914). However, a prima facie case of adultery can be made where the only evidence presented is the testimony of hired investigators. See *Hermes v. Hermes*, 287 So.2d 789 (La.1973).

In the case at bar, the trial court found from the totality of the evidence presented that Patricia **Arnoult** had committed adultery. Mrs. **Arnoult** admitted to hugging and kissing Mr. Duplantis. Although Mrs. **Arnoult** denies committing adultery and disputes some of the facts as testified to by the investigators surrounding the events of May 21, she admits going to Mr. Duplantis' house at 3:30 a.m. After observing the demeanor of the witnesses and the totality of the evidence submitted, the trial court found the testimony of the investigators more credible than Mrs. **Arnoult** and Mr. Duplantis concerning the events of May 21 and concluded that Mrs. **Arnoult** did in fact commit adultery. Given the facts that Mrs. **Arnoult** and Mr. Duplantis were clearly engaged in sexual foreplay prior to returning to Mr. Duplantis' residence at 3:30 a.m. on the morning of May 21st and the trial court's ability to evaluate the credibility of their denial of additional sexual conduct, we cannot say that the trial court's factual findings are manifestly erroneous.

Accordingly, for the reasons assigned, the trial court judgment granting Elden **Arnoult** Jr. a divorce from Patricia **Arnoult** on grounds of adultery is affirmed. Patricia **Arnoult** to bear all costs of this appeal. **AFFIRMED.**

- ***Bennett v. Bennett*, 716 So.2d 454 (La. App. 5 Cir. 1998) – adultery evidence by private investigator was insufficient**  
Wife filed petition for divorce alleging domestic abuse by her husband. Husband filed reconventional demand seeking judgment of divorce from wife on grounds that she committed adultery. The Twenty-Fourth Judicial District Court, Parish of Jefferson, No. 487-442, Walter J. Rothschild, J., granted husband's motion for default judgment and rendered absolute divorce in favor of husband. Wife appealed. The Court of Appeal, Dufresne, J., held that default judgment should not have been granted in divorce proceeding based on grounds that wife committed adultery. Judgment vacated, and remanded.

**Facts & Information:** Challenging this ruling, Carol Bennett filed a motion for new trial, which after a contradictory hearing, was denied by the trial judge. Carol Bennett now appeals, challenging the validity of the default judgment. She

specifically argues that Wilbert Bennett should not have been granted a default judgment of divorce because he did not establish a prima facie case of adultery or convince the court that he would probably prevail in a trial on the merits. We find merit in this argument and accordingly vacate the default judgment rendered in favor of Wilbert Bennett.

“A judgment of default must be confirmed by proof of the demand sufficient to establish a prima facie case ...” LSA-C.C.P. art. 1702. A prima facie case, within the meaning of this article, is established by proving with competent evidence the essential elements of the petition as fully as if each of the allegations were specifically denied. *Zahn v. Hibernia National Bank*, 94-204 (La.App. 5 Cir. 11/16/94), 646 So.2d 1149; *State, Dept. of Social Services v. Matthews*, 96-711 (La.App. 5 Cir. 1/28/97), 688 So.2d 137.

The nature of the act of adultery requires that circumstantial evidence will most likely be used to sustain the proponent's burden of proof. A prima facie case of adultery can be made out by showing facts or circumstances that lead fairly and necessarily to the conclusion that adultery has been committed. *Arnoult v. Arnoult*, 96-730 (La.App. 5 Cir. 2/12/97), 690 So.2d 101, *writ denied*, 97-0656 (La.4/25/97), 692 So.2d 1089. The evidence is to be viewed in light of experiences and observations of life. The fact that a man and woman are alone together does not necessarily justify presuming that it is for a romantic or sexual purpose. *Emfinger v. Emfinger*, 550 So.2d 754 (La.App. 2 Cir.1989). Courts must look with caution to the testimony of an investigator hired by one spouse to watch the other spouse, and this evidence ordinarily should be corroborated by the facts and circumstances in evidence and/or by direct testimony of other witnesses. *Arnoult v. Arnoult*, supra.

**Discussion of the Court:** In reviewing a judgment of default, the appellate court is restricted to a determination of whether the record contains sufficient evidence to support a prima facie case. *Collins v. Estrade*, 93-977 (La.App. 5 Cir. 5/11/94), 638 So.2d 275.

Our examination of the record demonstrates that the evidence falls woefully short of proving Carol Bennett guilty of adultery. At the hearing on the confirmation of the default judgment, Wilbert Bennett testified that his wife has been seeing another man, Michael Lewis, that she has had an on-going relationship with him since 1989, and that she took a trip with him in 1993 or 1994. In addition to this testimony, N.B., the private investigator that Mr. Bennett hired, testified regarding her surveillance of Carol Bennett. She testified that on November 17, 1996, at approximately 2:00 a.m., she observed Mr. Lewis' car parked in the driveway of Carol Bennett's residence. On December 1, she observed Mr. Lewis driving Carol Bennett's car. Then, on December 5, she observed Mr. Lewis arrive at Carol Bennett's residence at 7:20 p.m. and remain there until 5:45 a.m. the following morning. Two photographs of Mr. Lewis were also introduced into evidence.

We find that this evidence does not constitute a prima facie showing of adultery on the part of Carol Bennett. While Mr. Bennett made general allegations of an on-

going adulterous affair between his wife and Mr. Lewis, there were no facts or circumstances presented which would support his assertions. Moreover, the photographs which were introduced merely show Mr. Lewis, alone and fully clothed. We also make note of a fact of which the magistrate judge was obviously unaware. In a prior hearing, both Carol Bennett and Mr. Lewis specifically denied that Mr. Lewis ever spent the night at her house. Also, Mr. Lewis specifically denied having any sort of relationship with Carol Bennett other than that of friendship.

Based on the foregoing discussion, we find that a default judgment was improperly granted. Accordingly, we vacate the default judgment of divorce and remand the matter to the trial court for further proceedings.

- ***Larocca v. Larocca*, 606 So.2d 53 (La. App. 3 Cir. 1992) – adultery, testimony of private investigator**

In divorce proceedings, the 31st Judicial District Court, Jefferson Davis Parish, William N. Knight, J., granted wife divorce on ground of adultery. On husband's motion for new trial, court set aside previous judgment and granted divorce on ground of voluntary separation. Wife appealed. The Court of Appeal, 579 So.2d 1211, dismissed, finding that wife's death pending appeal abated action. Writ of certiorari was granted. The Supreme Court, 597 So.2d 1000, reversed and remanded. On remand, the Court of Appeal, Guidry, J., held that testimony of private investigator and wife's son-in-law concerning alleged adultery was credible and supported conclusion that husband had committed adultery. Original judgment of trial court reinstated.

- **Uniform resource locators (URLs)** - URL spoofing is when a fraudulent, often malicious, website is set up that appears to be a different, legitimate website to obtain sensitive information. The false websites can sometimes be used to install viruses or Trojans into a user's computer, but more often are used to receive information from a user. These types of spoofing can be used to launch a more elaborate attack.

Under the P.I. Rules & Regulations adopted by the LSBPIE, Chapter 7 § 725, it is professional misconduct for a private investigator to commit a criminal act or any other act that reflects adversely on the investigator's honesty, trustworthiness or fitness as an investigator. Any private investigator engaging in conduct involving dishonesty, fraud, deceit or misrepresentation should be reported to the LSBPIE board.

The *general rule* is if an investigator promises you results that sound too good to be true, then they probably are illegal. Attorneys are aware that private investigators are gathering evidence in accordance with the law so that it can be admissible in court. Attorneys and private investigators should work together to ensure the legality of evidence gathering.

## **Private Investigators and Attorneys: Working Together**

Attorneys and private investigators working together is a relationship founded on trustworthiness, honesty and confidentiality. The private investigator's benefit to the attorney is contingent upon the value of the information acquired, the legality of its acquisition and the disposition of the evidence. An attorney has a legal knowledge of evidentiary rules that are essential in guiding the course of the investigation. Within the boundaries of the law, the investigative methods and techniques utilized depend upon the legal and investigative knowledge of the private investigator. In the handling of a case, both professional reputations are on the line and nothing should be done to jeopardize or undermine their character. A professional licensed private investigator will not compromise the investigation by violating the law in obtaining evidence. Behind every good attorney is a good private investigator.

### **Tip: Know the source of all information**

Attorneys should always ask the questions about the source of all information provided to them by a private investigator. Do not assume that the information is accurate or obtained legally because it's part of a private investigator's report. While the majority of private investigators use accurate and legal sources, some private investigators may utilize sources of information that are no longer acceptable under the law.

Furthermore, knowing the "true" source of the information helps the attorney to evaluate its use in litigation as well as the accuracy or content of the information obtained by the private investigator.

*For example*, private investigators can pull address information from several databases but the "real" question is where does that database service obtain its information. If the information is obtained from archived phone records and city directories, chances are the information is stale. If the information is obtained from credit headers, the information is more likely to be current.

*Warning*: If a private investigator has information and will not reveal the exact source or means used in obtaining it, attorneys should be cautious in the reliance on that data. In some cases, private investigators talk with neighbors or friends about a subject and gather "hearsay" information such as the subject is a drug dealer because a lot of cars come and go at his residence. This is not fact and it is pure speculation.

**Background check** – Private investigators can identify an enormous quantity of information about an individual from public records or "open source" records. A professional private investigator with extensive experience in conducting due diligence and comprehensive backgrounds can recognize "red flags" as to an individual's history, dealings or financial position. A private investigator's report detailing a party's background and potential weaknesses can be vital to an attorney in preparation for witness examination in court. Some information that may be included in a background check conducted in a particular parish is:

- *Marriage records* – a marriage license will only appear in the parish wherein the subject was married. A marriage license application in a parish includes a wealth of information about the individual including: full name, SSN, date of birth, name of parents, place of birth, educational level, and prior marriages & divorces. However, the storage and access to these records may vary by parish with Orleans usually being the exception to the rule.

- Civil records – civil records will include any civil lawsuits such as damages, contracts, injunctions, collections, probates. The pleadings in civil records can provide information about an individual’s prior injuries and medical treatment, including names of doctors. In probate records, the names of sibling and family members may be available as well as assets inherited by a party.
- Criminal records - criminal records include felonies, misdemeanors, and traffic citations. Each parish may divide the criminal records differently. Some parishes maintain a separate file for traffic citations and other parishes keep felonies and misdemeanors separate. While computer searches of criminal records are good, reviewing the actual hard copy of the record may produce additional information beyond the computer index or disposition.
- Mortgage records – mortgage records contain all mortgages, judgments and liens against an individual or his property in that parish. Mortgage records may provide information about the financial stability of a person.
- Conveyance records – conveyance records contain leases, sales, donations and other transfers of property in that parish. In Louisiana, the public records law requires recordation of documentations to affect notice against third parties; however, the recordation of a document does not mean that the particular right asserted therein is valid.

(1) U.S. Courts (Pacer)

Public Access to Court Electronic Records (PACER) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district and bankruptcy courts, and the PACER Case Locator via the Internet. PACER is provided by the federal Judiciary in keeping with its commitment to providing public access to court information via a centralized service. [www.pacer.gov](http://www.pacer.gov)

(2) Local Parish Courthouses

Louisiana has 64 parishes and not all parishes are online. If a parish is online, there are two options available for research: (1) free (2) paid.

While many sources provide information regarding an individual’s criminal history, it should be noted that there is no single source, available to the general public, that includes all national criminal records. In Louisiana, the best source for criminal records on an individual is to conduct a search of the parish courthouse records.

## Appendix A

*The Gingerbread Man's Run is Over! Permanent Disbarment is Penalty for Using Runners by" Professor Michelle LaBorde Ghetti*



### **The Gingerbread Man's Run is Over!** Permanent Disbarment is Penalty for Using Runners

By Professor Michelle LaBorde Ghetti

*Run, run  
As fast as you can.  
You can't catch me.  
I'm the gingerbread man.*  
— **An old English folktale**

**R**emember that childhood tale? A little boy was told time and again not to open the oven door and let that gingerbread man out. But he did anyway. The gingerbread man ran and ran and challenged anyone to try to catch him.

Louisiana has its own running man — a person, known as a “runner,” who personally contacts victims to sign them up with an attorney. We may not call him a gingerbread man, but we sure tell our attorneys not to let him out of the oven. And these runners, and the attorneys who have let them out of the oven, have challenged anyone to try to catch them.

In 2001, however, the Louisiana Supreme Court — in part based on the serious issues arising due to the illegal use of runners — amended its sanction rules to provide

for the *permanent* disbarment of attorneys in this state.<sup>1</sup> In the four years since that change, five attorneys have been permanently disbarred<sup>2</sup> due to their entanglement in what is now referred to as the “runner-based solicitation industry,”<sup>3</sup> and one has permanently resigned from the practice of law in lieu of discipline.<sup>4</sup> Of the 27 attorneys “caught” using runners since 1979, only *three* currently hold a license to practice law in Louisiana.<sup>5</sup> Perhaps worse, 12 attorneys have been convicted of state and federal felonies, ranging from solicitation to mail or wire fraud to obstruction of justice, and are serving or have served anywhere from two years to 20 years in prison.

### Who is “the Gingerbread Man?”

A “runner” is a person who directly contacts an individual who may have a legal need and recommends a specific attorney<sup>6</sup> to that person in exchange for remuneration from the attorney if the client ultimately hires that attorney. Think Danny DeVito in the movie version of John Grisham’s novel, *The Rainmaker*. Runners come in many shapes and sizes. In the past, ambulance drivers, tow truck drivers, clerks of court and law enforce-

professions involved in soliciting clients on behalf of attorneys. Over the years, however, the Louisiana Legislature has passed laws making such solicitation by those professions criminal.<sup>7</sup> Runner solicitation cases today do not seem to be tied to any one profession, although legal “assistants” and “investigators” seem to be the most prominent.<sup>8</sup> Taxi drivers,<sup>9</sup> bus drivers, carpenters and even ordained ministers<sup>10</sup> have cashed in on what has become a very lucrative industry.<sup>11</sup>

### Don’t Open the Oven Door!

In one version of “The Gingerbread Man,” Grandma puts the gingerbread man in the oven and tells her grandson not to open the door. In much the same way, the legal profession tells its attorneys the same thing about runners . . . “Don’t open the door!” Rule 7.3 of the

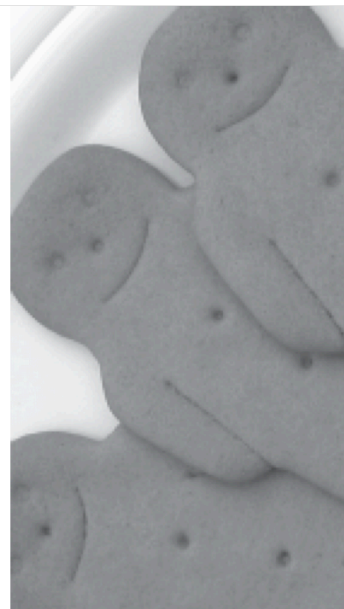
Louisiana Rules of Professional Conduct restricts lawyers from direct in-person contact with potential clients by themselves or others acting at their request or on their behalf. Rule of Professional Conduct 7.2 prohibits lawyers from giving anything of value to a person for recommending the lawyer’s services. Lawyers also can be disciplined for not reporting other lawyers who they know to be engaged in solicitation, even if they themselves are not directly involved.<sup>12</sup>

Louisiana also has closed the door. Solicitation by an attorney has been a crime since 1977, a felony since 1993.<sup>13</sup> Prior to 2001, however, any sanction for a person not in one of the above-listed professions was a slap on the hand, a misdemeanor.<sup>14</sup> Since 2001, the sanction for anyone who solicits business for an attorney by direct contact with a potential client is the same as for the attorney — potentially imprisonment at hard labor.<sup>15</sup> At this time, the penalties for a first offense are a fine not to exceed \$5,000 or imprisonment of not more than five years with or without hard labor. Think that is stiff? At press time, pending<sup>16</sup> in the 2006 legislative session is House Bill No. 290, which would increase the fine to not more than \$10,000 and require *mandatory* imprisonment for not less than two

years nor more than 10 years at hard labor.<sup>17</sup>

### Burned Hands

Unfortunately for the many who have played with the gingerbread man, discipline or conviction for solicitation is just one way their hands got burned. When the oven door is opened and the gingerbread man pops out, many discover that a few other “goodies” were baking alongside him. To hide the use of runners, attorneys usually pay them in cash or in checks for small amounts. This leads to problems with the federal government, the Internal Revenue Service in particular. Structuring — breaking up a single currency transaction of more than \$10,000 into separate smaller transactions in order not to trigger the financial institution \$10,000 report filing requirements stated



The Louisiana Supreme Court and the head of the Office of Disciplinary Counsel have both

expressed concern about the “collateral effects on the public perception of the judicial system.” Both believe that use of runners erodes “the trust and confidence which the public must have in the legal system for it to function properly.”

in 31 CFR § 103.22(a)(1) — is prohibited by 31 USC § 5324.<sup>18</sup> Stephen Bernstein pled guilty to violating this statute and was sentenced to four months of home detention and three years of probation.<sup>19</sup> Russell Solomon pled guilty to the crime of structuring and paid a \$70,000 fine.<sup>20</sup> Curtis Coney pled guilty to 10 counts of structuring and, through a pleabargain, the government recommended he be sentenced to 33 months in the federal penitentiary and three years of probation.<sup>21</sup>

Greedily, many attorneys bill the runner's fee to the client described as something else — often as "transportation" charges or, if paying doctors for referrals, as "expert fees" or "medical expenses." Or, sometimes, the attorneys submit a claim to the insurance company knowingly describing payments made by the doctor to a runner or to the attorney as medical expenses and then deducting those amounts from the settlement proceeds upon payment. Sending such a fraudulent bill or claim through the mail to the client or insurance company is mail fraud.<sup>22</sup> Jason Rochon, Karl Kirchberg and Cardell Thomas all pled guilty to mail fraud.<sup>23</sup> Rochon was sentenced to four months in a halfway house and four months of home detention.<sup>24</sup> Kirchberg

Katz pled guilty to conspiracy to commit mail fraud and was sentenced to 16 months in prison with three years of probation, was fined \$40,000, and was ordered to pay restitution of \$114,675.<sup>27</sup>

Knowing that a felony is being committed and not reporting it is also a federal crime known as misprision of a felony.<sup>28</sup> Tommie Lockhart pled guilty to concealing knowledge of a conspiracy by a medical provider to commit mail fraud; he received three years of probation, a \$2,500 fine and 100 hours of community service.<sup>29</sup> Thomas Grand pled guilty to one count of misprision of a felony for failing to report conspiracy to commit mail fraud by a medical provider and was sentenced to two years of probation and a \$2,500 fine.<sup>30</sup>

And then there are those crimes that get committed as the heat in the oven gets turned up. Fernand L. Laudumiey III and Dennis Mann pled guilty to obstruction of justice for encouraging the runners in their case to testify falsely to the grand jury that was investigating them.<sup>31</sup> They were sentenced to pay hefty fines (Laudumiey, \$20,000; Mann, \$40,000) and serve six months in a halfway house, perform 200 hours of community service and spend three years on probation.<sup>32</sup>

was sentenced to four months in a halfway house with three years of probation and a \$20,000 fine.<sup>25</sup> Richard Cuccia pled guilty to counts of mail fraud and tax evasion and was sentenced to five years in prison and a \$250,000 fine.<sup>26</sup> Allan

They were lucky. Curtis Coney pled guilty to one count of obstruction of justice for asking his secretary to lie, as well as counts of structuring and conspiracy, and was sentenced to 33 months in the federal penitentiary with three years of probation.<sup>33</sup>

## The Chasers

If you remember the story of the gingerbread man, many people chased after him but could not catch him. Similarly, many chased the runners and the attorneys who use them. For years, the Office of Disciplinary Counsel tried to end the use of runners but met with various obstacles, including claims that the runner was a former client,<sup>34</sup> payments disguised as "investigative" or "transportation" fees and untraceable cash payments.<sup>35</sup> In recent years, though, a number of other parties have joined the chase: the Louisiana Department of Insurance (Fraud Unit), Louisiana State Police, local police units, the United States Attorney, the Federal Bureau of Investigation, the Internal Revenue Service, the Metropolitan Crime Commission and various investigative reporters for local and national news media — sometimes even the runners and clients themselves.<sup>36</sup> Possibly, each entity alone could not have caught the gingerbread man; working together, however, they finally caused the cookie to crumble.

## Chomp! Chomp!

In the story, the gingerbread man became very bold. At the end of the story, the gingerbread man ran past a sly fox, bragging all the way. The fox said, "I can't hear you. Come a little closer." Confident of himself, the gingerbread man came closer, and the fox threw back his head and ate him. The fox in our story is a chameleon who took various and sometimes multiple forms as the above-listed parties worked separately and together to catch the gingerbread man. Solicited clients reported the attorneys, with at least one recording the telephone calls.<sup>37</sup> Clients dissatisfied with their representation or recovery reported the attorneys.<sup>38</sup> Secretaries, paralegals and runners wore recording devices.<sup>39</sup> Runners sued for promised fees.<sup>40</sup> Television cameras began recording accident sites.<sup>41</sup> Anonymous tips were called in to the Metropolitan Crime Commission.<sup>42</sup> In depositions, insurance company attor-

### Forensic Meteorology & Oceanography

#### Nash C. Roberts, III, Consulting Meteorologist, Inc.

has over 30 years experience in forensic meteorology and forensic oceanography. Recognized as a professional capable of conducting involved investigations, reconstructing weather and marine conditions anywhere in the world and is eminently qualified to appear in expert testimony.

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neys began asking plaintiffs how they found their attorney.<sup>43</sup> Prosecuted attorneys turned state's evidence.<sup>44</sup>

### Why Did the Fox Eat the Gingerbread Man?

In the story, the fox was not able to change his nature. For our purposes, though, the question is more appropriately directed to the grandmother — why should the gingerbread man be kept in the oven?

The Louisiana Supreme Court has stated that “[u]nquestionably, engaging in runner-based solicitation is one of the most serious professional violations an attorney may commit.”<sup>45</sup> Depending on whom you ask, it harms the client, it sometimes harms the runners, it harms the public and it harms the profession.

#### Harm to the Client

Using runners is, of course, an indirect way for an attorney to solicit a potential client by having the runner bring in the client. In holding that bar associations can regulate direct solicitation, the United States Supreme Court has recognized that:

the potential for overreaching is significantly greater when a lawyer, a professional trained in the art of persuasion, personally solicits an unsophisticated, injured, or distressed lay person. Such an individual may place his trust in a lawyer, regardless of the latter's qualifications or the individual's actual need for representation, simply in response to persuasion under circumstances conducive to uninformed acquiescence.<sup>46</sup>

Another expressed concern is character: if the attorney is going to engage in one form of unethical conduct, he probably does not have the client's best interest at heart. That throws the quality of overall representation by the person into question. Furthermore, given the sheer volume of work in some of these offices, the attorney may not be able to handle adequately all the cases he takes. This leads to inadequate representation, lack of re-

turned phone calls and inattention to the case. It also leads to the unauthorized practice of law when paralegals are left to handle the business of the firm. Finally, in many cases, legitimate wreck victims are cheated out of their full settlements because runner fees and other costs were tacked onto their legal bills.<sup>47</sup>

#### Exploitation of Runners

Another expressed concern, although in other states more than Louisiana, is the exploitation of runners. In many cases, the runners are poor, uneducated and/or do not speak English.<sup>48</sup> Often these individuals are unaware of the criminal ramifications of their actions, and many times the attorneys make promises to these individuals that they do not keep. Given the displacement and damage caused by Hurricanes Katrina and Rita and the attendant possible increase in causes of action, this may be a future cause for concern in Louisiana.

#### Harm to the Public in General

The biggest stated concern for the public is that insurance fraud increases the cost of insurance in Louisiana. Some estimate that insurance fraud and the runner-based solicitation industry have caused insurance rates in the New Orleans area to increase 40 to 50 percent.<sup>49</sup> The Louisiana Coalition Against Insurance Fraud estimated in 1995 that insurance fraud cost every Louisiana family \$1,600 a year.<sup>50</sup> Furthermore, many be-

The Louisiana Supreme Court has expressed great concern about how the use of runners harms the integrity of the legal profession, finding it a “serious matter reflecting on the moral character so necessary to a proper handling of the public's legal business.” It lowers the legal profession's status by turning the profession into “the business of selling lawsuits.”

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lieve it ferments litigation and raises the possibility of non-meritorious claims, again raising the cost of doing business in Louisiana to all.<sup>51</sup>

### Harm to the Image of Legal System

The Louisiana Supreme Court and the head of the Office of Disciplinary Counsel have both expressed concern about the “collateral effects on the public perception of the judicial system.”<sup>52</sup> Both believe that use of runners erodes “the trust and confidence which the public must have in the legal system for it to function properly.”<sup>53</sup>

### Harm to the Legal Profession

The Louisiana Supreme Court has expressed great concern about how the use of runners harms the integrity of the legal profession,<sup>54</sup> finding it a “serious matter reflecting on the moral character so necessary to a proper handling of the public’s legal business.”<sup>55</sup> It lowers the legal profession’s status by turning the profession into “the business of selling lawsuits.”<sup>56</sup> It has certainly made lawyers the butt of many a joke; in fact, the practice has become so synonymous with attorneys that the term “ambulance chaser” is actually included in many dictionaries.<sup>57</sup>

### Future

In 1996, the Louisiana Supreme Court “encourage[d] Disciplinary Counsel to utilize fully his investigative staff and his

resources to pursue any reports [of solicitation] and to bring proof of such behavior to th[e] court for punishment sufficient to deter further misconduct.”<sup>58</sup> For the last 10 years, Disciplinary Counsel has done just that and, based on the most recent decision of the Supreme Court in this area, is continuing to do so.<sup>59</sup> So, for those of you feeling an “envie” for gingerbread . . . Don’t open the door!

### FOOTNOTES

1. Louisiana Supreme Court Rule XIX, Appendix E was added. Guideline 6 specifically provides for permanent disbarment for runner-based solicitation. In the 25 years prior to this change, the Supreme Court has refused to readmit only four of the 27 disbarred attorneys who applied. Of those readmitted, 10 got into trouble again, and four were disbarred again. James Gill, “Scumbag Lawyers Need To Go,” *Times-Picayune* (New Orleans), June 11, 2000, at B7.

2. In re Coney, 04-2603 (La. 01/07/2005), 891 So.2d 658; In re O’Keefe, 03-3195 (La. 7/2/04), 877 So.2d 79; In re Laudumiey, 03-0234 (La. 6/27/03), 849 So.2d 515; and, In re Kirchberg, 03-0957 (La. 9/26/03), 856 So.2d 1162. Other attorneys escaped permanent disbarment and were only suspended — three for three years, one for two years, and one for one year — due to their cooperation with the Office of Disciplinary Counsel and/or inexperience.

3. The phrase was coined by Charles B. Plattsmier, chief counsel for the Office of Disciplinary Counsel. Since 2001, 43 attorneys have been permanently disbarred for various reasons.

4. In re Solomon, 06-0632 (La. 5/2/06), \_\_\_ So.2d \_\_\_.

5. Two of the 27, Andrew Vidrine and Ernest Caulfield, have passed away.

6. A runner also may recommend a specific doctor who then recommends the attorney. *See, e.g.*, In re Solomon, No. 04-DB-060 (03/20/2006)(found at [www.ladb.org](http://www.ladb.org)).

7. La. R.S. 14:356.3 (ambulance drivers); La. R.S. 14:356.1 (wrecker drivers); La. R.S. 14:356 (clerks of court); La. R.S. 42:1413 (law enforcement officers).

8. Perhaps the two most famous legal assistants involved in the runner-based solicitation industry are Ernest Aiavolasiti and Michael Palmisano, part of the infamous “Canal Street Cartel,” who ran clients for five of the attorneys disciplined for solicitation through runners. *See* In re O’Keefe, 03-3195 (La. 7/2/04), 877 So.2d 79; In re Laudumiey, 03-0234 (La. 6/27/03), 849 So.2d 515; In re Goff, 02-1899 (La. 1/28/03), 837 So.2d 1201; In re Bernstein, 98-3207 (La. 1/29/99), 725 So.2d 483.

9. *See, e.g.*, In re St. Romain, 560 So.2d 820 (La. 1990).

10. In two of the most egregious cases reported, although not in Louisiana, men of the cloth have acted as runners, offering to pray with people at disaster scenes or emergency rooms and then handing them a card and recommending an attorney to represent them. *See* Florida Bar v. Barrett, 897 So.2d 1269 (2005); Christopher Scanlan, “Preying on disasters — Priest-Imposter Sought after Detroit Crash,” *St. Petersburg Times*, Sept. 19, 1987, at 1A.

11. One runner, Damascus Wright of New Orleans, reportedly made \$454,000 in a year. Natalie Pompilio, “16 Held in Plan to Solicit Clients Wreck Victims Lured to Lawyer,” *Times-Picayune* (New Orleans), Sept. 4, 1999, at A1. Richard Cuccia is said to have paid his runners \$1.6 million between 1996 and 1998. James Gill, “Scumbag Lawyers Need To Go,” *Times-Picayune* (New Orleans), June 11, 2000, at B7.

12. *See, e.g.*, In re Brigandi, 02-2873 (La. 4/9/2003), 843 So.2d 1083 (failure to report Richard Cuccia); In re Goff, 837 So.2d 1201 (failure to report Michael O’Keefe).

13. La. R.S. 37:219 (2001). This law, however, has rarely been enforced. No prosecutions under this statute were reported until 1998 when Jose Castro pled guilty to unlawful solicitation and was sentenced to 2.5 years in state prison. Richard Cuccia was booked in 1999 with seven counts of unlawful solicitation and seven counts of unlawful payments to “runners.” Joe Darby, “Three Booked in Plot Lawyer Lured Clients, Cops Say,” *Times-Picayune* (New Orleans), March 24, 1999, at B1.

14. La. R.S. 37:213(2) (1950) (as amended prior to 2001).

15. *Id.*

## J. PRICE McNAMARA, LL.M.

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# Appendix B

## *Complete Report*

---

Report Date:

### Subject Information

DOE, JOHN MICHAEL

SSN: 555-77-XXXX issued in MONTANA between 01/01/1963 and 12/31/1963

DOB: 01/1950 Age: 59

123 MAIN ST, KALISPELL, MT 59903

Phone: (406) 555-1234 (MOUNTAIN TIME ZONE)

Phone: (805) 555-6789 (PACIFIC TIME ZONE)

---

### AKAs

DOE, JOHN MICHEAL SSN: 555-77-XXXX DOB: 01/1950 Age: 59

DOE, JOHN M DOB: 10/1950 Age: 59

DOE, JONATHAN DOB: 01/1950 Age: 59

DOE, JOHN DOB: 01/1950 Age: 59

---

### Imposters

DOE, JOE JR SSN: 555-77-XXXX DOB: 1955 Age: 54

DOE, JOE S JR SSN: 555-77-XXXX

DOE, MARY SSN: 555-77-XXXX DOB: 1960 Age: 59

---

### Address 1

123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY (10/2008 - 09/2009)

Address High Risks: MOBILE HOME SITE OPERATOR.

Phone at this Address: Phone (406) 555-1234 JOHN, DOE

#### Current Residents at this Address

DOE, JOHN M

DOE, MARY

#### Property Ownership Information for this Address

Site Address: 123 MAIN ST ST, KALISPELL, MT 59903-1234, FLATHEAD COUNTY

Name Owner 1: DOE, JONATHAN

Individual: DOE, JOHN SSN: 555-77-XXXX

Individual: DOE, MARY

Mailing Address: PO BOX 555, KALISPELL, MT 59903-1234, FLATHEAD COUNTY

#### Neighborhood Profile for this Address

Average Age: 35  
Average Household Income: \$21,999  
Average Home Value: \$95,300  
Average Years of Education: 12

#### Neighbor 1

125 MAIN ST, KALISPELL, MT 59903-1234, FLATHEAD COUNTY (12/2003 - 08/2004)

DOE, MARK SSN: 222-55-XXXX DOB: 1979 Age: 40

---

### Address 2

555 N HWY 55, POLSON, MT 59860, LAKE COUNTY (10/2005 - 04/2008)

#### Current Residents at this Address

DOE, JOHN M

#### Property Ownership Information for this Address

Site Address: 555 N HWY 55, POLSON, MT 59860, LAKE COUNTY

Name Owner 1: DOE, JOHN

Mailing Address: 555 N HWY 55, POLSON, MT 59860, LAKE COUNTY

#### Neighborhood Profile for this Address

Average Age: 55  
Average Household Income: \$12,999

---

Average Home Value: \$65,300  
Average Years of Education: 12

---

### Address 3

222 N 10TH, POLSON, MT 59860, LAKE COUNTY (02/2001 - 08/2004)  
**Current Residents at this Address**  
DOE, JOHN

---

### Phones Plus

JOHN DOE (406) 555-9999  
JOHN M DOE (406) 999-1234

---

### Prior Phone Numbers

(406) 333-9999  
(406) 555-1234 (05/2008 - 10/2009)  
(XXX) 999-1234

---

### Employment Record 1

Company: MY BUSINESS PARK, LLC  
Name: DOE, JOHN M  
Title: DIRECTOR  
SSN: 555-99-XXXX  
Address: 55 MAIN AVE, KALISPELL, MT 59901-1234  
Dates: 06/24/2004 - 10/30/2008

---

### Employment Record 2

Company: MY COMPANY, LLC  
Name: DOE, JOHN  
Title: LTD LIAB COMPANY INDIVIDUAL MANAGER  
SSN: 555-99-XXXX  
Address: 123 MAIN ST, POLSON, MT 59860-1234  
Dates: 02/16/2003 - 02/16/2005

---

### Possible Relative Summary

DOE, MARY C Age: 65  
AKA: DOE, MARY C Age: 65  
AKA: DOE, MARIDETH C Age: 65  
DOE, JEREMY T Age: 30  
AKA: DOE, JEREMY T Age: 30  
DOE, SUSAN C Age: 75  
AKA: DOE, SUE Age: 75  
AKA: DOE, MARIDETH C Age: 65  
DOE, ANN Age: 40  
DOE, JOE T Age: 20  
AKA: DOE, JOESEPH Age: 20

---

### Possible Relative 1 of DOE, JOHN MICHAEL

DOE, MARY C DOB: 09/1944 Age: 65  
444-55-XXXX issued in MONTANA between 01/01/1988 and 05/01/1989  
**AKAs**  
DOE, MARY C SSN: 444-55-XXXX DOB: 09/1944 Age: 65  
DOE, MARIDETH C SSN: 444-55-XXXX DOB: 09/1944 Age: 65

---

### Possible Relative 1 of DOE, MARY C

DOE, JEREMY T DOB: 01/1979 Age: 30  
555-88-XXXX issued in MONTANA between 01/01/1979 and 12/31/1980

---

**AKAs**

DOE, JEREMY T SSN: 555-88-XXXX DOB: 01/1979 Age: 30

---

**Possible Relative 2 of DOE, JOHN MICHAEL**

DOE, SUSAN C DOB: 09/1934 Age: 75  
444-22-XXXX issued in MONTANA between 01/01/1978 and 05/01/1979

**AKAs**

DOE, SUE DOB: 09/1934 Age: 75  
DOE, MARIDETH C SSN: 444-55-XXXX DOB: 09/1944 Age: 65

---

**Possible Relative 1 of DOE, SUSAN C**

DOE, ANN DOB: 01/1969 Age: 40  
555-11-XXXX issued in MONTANA between 01/01/1969 and 10/21/1970

---

**Possible Relative 2 of DOE, SUSAN C**

DOE, JOE T DOB: 01/1989 Age: 20  
555-22-XXXX issued in MONTANA between 01/01/1979 and 12/31/1990

**AKAs**

DOE, JOSEPH SSN: 555-22-XXXX DOB: 01/1987 Age: 20

---

**Possible Associate 1**

Name: JOHNSON, JOHN A DOB: 02/24/1984 Age: 25  
999-55-XXXX issued in OHIO between 01/01/1993 and 12/31/2001

---

**Possible Associate 2**

Name: SMITH, MARY DOB: 02/10/1964 Age: 45  
333-44-XXXX issued in MINNESOTA between 01/01/1974 and 12/31/1998

**AKAs**

SMITH, MARY A SSN: 333-44-XXXX DOB: 02/24/1964 Age: 45  
SMITH, MARY ANN SSN: 333-44-XXXX DOB: 02/24/1964 Age: 45

**Associates Addresses**

999 N FIRST AVE, KALISPELL, MT 59901-1234, FLATHEAD COUNTY (03/1999 - 08/2001)  
Published Phone (406) 555-9999 DOE JANE

---

**Voter Registration 1**

Name: DOE, JOHN SSN:555-33-XXXX DOB:08/01/1950  
State: MONTANA  
Address: 222 10TH, POLSON, MT 59860, LAKE COUNTY  
Registration Date: 09/20/2001  
Race: ASIAN

---

**Voter Registration 2**

Name: DOE, JOHN M SSN:555-33-XXXX DOB:08/01/1950  
State: MONTANA  
Address: 123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Registration Date: 10/05/1968  
Race: ASIAN  
Party: DEMOCRAT

---

**Property 1**

---

**Vehicle 1**

**Vehicle Information**

Vehicle: 2005 - PRIUS - TOYOTA  
Style: SEDAN 4 DOOR

Type: PASSENGER CAR/LIGHT TRUCK  
VIN: 123ABC456DEF789GHI  
State of Origin: MT

**Registration Information**

**Registration**  
Tag Number: 123XYZ  
Expiration Date: 12/05/2005  
License State: MT  
**Registrant 1:** DOE, JOHN SSN: 555-33-XXXX  
Address: 123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY

---

**Vehicle 2**

**Vehicle Information**

Vehicle: 2003 - LEGACY - SUBARU  
Style: SEDAN 4 DOOR  
Type: PASSENGER CAR/LIGHT TRUCK  
VIN: ABCDEFGHI12345679  
State of Origin: MT

**Registration Information**

**Registration**  
Tag Number: ABC123  
Expiration Date: 08/31/2005  
**Registrant 1:** DOE, JOHN SSN: 555-33-XXXX  
Address: 123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
**Registrant 2:** DOE, MARY A SSN: 333-55-XXXX  
Address: 123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY

---

**UCC Filing 1**

Filing Date: 10/01/1999  
Filing Number: 1234567890  
Filing Jurisdiction: MONTANA  
Collateral: NEGOTIABLE INSTRUMENTS AND PROCEEDS  
**Debtor 1:** JOHNSON, JACK A SSN: 111-22-XXXX  
Address: 444 MOOSE LN, KALISPELL, MT 59901-1234  
**Debtor 2:** DOE, CHARLES  
Address: 22 MAIN ST, KALISPELL, MT 59901-1234  
**Secured Party 1:** THE BANK  
Address: 111 MAIN ST 77, KALISPELL, MT 59901-1234  
**Secured Party 2:** THE BANK

**Filing 1**

Filing Date: 11/01/2000  
Filing Number: 123456789  
Filing Type: CONTINUATION  
Expiration Date: 01/01/2004

**Filing 2**

Filing Date: 01/01/1997  
Filing Number: 123456789  
Filing Type: INITIAL FILING

---

**Aircraft 1**

Registrant: DOE, JOHN  
Address: 77 SECOND AVE, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Date First Reported: 09/21/2001  
Date Last Reported: 01/01/2002  
Status: HISTORICAL  
Aircraft Number: 1234A  
Last Action Date: 01/01/1999

**Aircraft Information**

Manufacturer: CESSNA

Model: 172M  
Aircraft Type: FIXED WING SINGLE ENGINE  
Category: LAND  
Weight: UP TO 12,499  
Engines: 1  
Seats: 4  
Cruising Speed: 108  
Certification: NOT AMATEUR  
Certification Date: 10/20/1980

**Engine Information**

Manufacturer: LYCOMING  
Model: 0320 SERIES  
Fuel Consumption: 000000  
Horsepower: 00180

---

**Certification 1**

Name: DOE, JOHN M  
Address: 55 MAIN ST, KALISPELL, MT 59911-1234, FLATHEAD COUNTY  
Class: 3  
Medical Certificate: 10/1999  
Medical Expires: 10/2001

**Certificate**

Certificate Type: G  
Ratings: G/BASIC

**Certificate**

Certificate Type: P  
Level: P  
Ratings: P/ASEL

---

**Watercraft Registration 1**

Hull Number: ABC123456A555  
Origin: MN  
Registration Date: 02/01/2002  
Expiration Date: 12/31/2004  
Date Last Reported: 02/01/2002

**Owner 1**

Name: DOE, JOHN SSN: 555-77-XXXX  
Address: 123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY

**Vessel Information**

Year: 1994  
Make: POLARIS  
Model: SL750  
Hull Type: FIBERGLASS  
Propulsion: INBOARD  
Use: PLEASURE

---

**Watercraft Registration 2**

Hull Number: ABCD55554A123  
Origin: MN  
Expiration Date: 12/31/1999  
Date Last Reported: 12/31/1997

**Owner 1**

Name: DOE, JOHN M SSN: 555-77-XXXX  
Address: 123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY

**Vessel Information**

Year: 1991  
Make: SUPRA  
Hull Type: FIBERGLASS  
Propulsion: INBOARD  
Length: 276

Use: PLEASURE

---

### Watercraft Registration 3

Hull Number: ABC123456789

Origin: US

#### Owner 1

Name: DOE, JOHN SSN: 555-77-XXXX

Address: 123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY

#### Vessel Information

Make: BOAT INC

Hull Type: OTHER

Length: 300

Width: 110

Weight: 10000

Use: PLEASURE

---

### Criminal Record 1

#### Offender

Name: DOE, JOHN SSN: 555-77-XXXX DOB: 01/12/1950

Address: 123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY

Offense State: MONTANA

Case Number: 1988CR 123456

Gender: MALE

Race: WHITE

#### Offense 1

Count: 01

Arrest Level: TRAFFIC

Arrest Statute: 20140(B)

Arrest Offense: RECKLESS DRIVING TO ENDANGER

Court Disposition: 001/01/1988 - NOT GUILTY

Court Plea: NOT GUILTY

#### Offense 2

Offense: EXPIRED REGISTRATION CARD/TAG

Count: 02

Arrest Level: TRAFFIC

Arrest Statute: 20111(2)

Arrest Offense: EXPIRED REGISTRATION CARD/TAG

Court Disposition: 01/01/1988 - GUILTY

Court Level: TRAFFIC

Court Plea: GUILTY

---

### Criminal Record 2

#### Offender

Name: DOE, JOHN M SSN: 555-77-XXXX DOB: 01/01/1955

Address: MT

AKA: DOE, JONATHAN

Offense State: MONTANA

Gender: MALE

Race: WHITE

Height: 070

Weight: 225

#### Offense 1

Offense: RECKLESS DRIVING TO ENDANGER

Count: 01

Arrest Level: TRAFFIC

Arrest Statute: 20140(B)

Arrest Offense: RECKLESS DRIVING TO ENDANGER

Court Disposition: 11/09/2000 - GUILTY

Court Fine: 100

Court Level: TRAFFIC



Court Plea: GUILTY

**Prison Sentence 1**

Current Status: INACTIVE\_INMATE

---

**Sexual Offense 1**

Name: DOE, JOHN SSN: 555-77-XXXX DOB: 01/1959  
Address: 123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Offense State: MT  
Risk Description: HIGH RISK OF A REPEAT SEXUAL OFFENSE  
Offender Category: SEXUALLY VIOLENT PREDATOR  
Gender: MALE  
Race: CAUCASIAN  
Hair: BROWN  
Eyes: BROWN  
Skin: MEDIUM  
Height: 062  
Weight: 250  
Police Agency: FLATHEAD COUNTY SHERIFF Phone: (406) 555-1234  
Date First Reported: 01/01/2009

**Vehicles**

Vehicle 1: CHEVROLET CAVALIER Plate: ABC123 State: MT  
Vehicle 2: Plate: XYZ999 State: MT

**Convictions**

Conviction 1: KIDNAPPING COUNTS 1 01/12/1991  
Conviction 2: SEXUAL INTERCOURSE W/OUT CONSENT COUNTS 1 01/07/1995

**Registration/ID Numbers**

Registration Address: 123 MAIN ST KALISPELL, MT 59901  
Registration Type: SEXUAL AND VIOLENT  
SOR Number: MT123456789

---

**Bankruptcy 1**

**Debtors**

Debtor 1: DOE, JOHN SSN: 555-44-XXXX

**Case Information**

Case Number: 1234567  
Filing Date: 02/10/1995  
Chapter: 7  
Court Name: MONTANA KALISPELL  
Original Chapter: 7  
Original Filing Date: 01/01/1995  
Status Type: CLOSED  
Filing Type: INDIVIDUAL  
Corporation Flag: N  
Disposition: DISCHARGED  
Court Code: MT123  
Discharge Date: 01/01/1990  
Court Location: KALISPELL  
Assets For Unsecured: N  
Judge Identification: MTS  
Filing Jurisdiction: MT  
Comments: SINGLE DEBTOR  
Comment Date: 01/05/1995  
341 Meeting Date: 05/20/1995  
341 Meeting Time: 1030

**Trustee**

Name: SMITH, JOHN  
Address: PO BOX 12345, KALISPELL, MT 59901-1234  
Phone: (406) 555-1234

**Attorney**

Address: 555 MAIN 8A, KALISPELL, MT 59901-1234  
Phone: (406) 555-1234

**Attorney**

Name: SMITH, JOHN  
Address: 123 FIRST, KALISPELL, MT 59901-1234  
Phone: (406) 555-9999

---

**Lien/Judgment 1**

Case Number: ABC00012456789YZ  
Original Filing Date: 09/01/2003  
Filing Jurisdiction: MT  
Amount: \$1,500  
Filing Status: OPEN

**Filings**

Filing Date: 09/01/2003  
Filing Type: JUDGMENT  
Agency: MONTANA SUPERIOR DISTRICT COURT  
Agency County: FLATHEAD  
Agency State: MT  
Number: BK55AB123

**Debtors**

Name: DOE, JOHN SSN: 555-44-XXXX  
Address: 123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY

**Creditors**

Name: BANK CO

---

**Sanction 1**

Sanction Type: REPRIMAND  
Sanction ID: 123456  
Name: DOE, JOHN M  
DOB: 01/1950  
Address: 1234 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Provider Type: MEDICAL DOCTOR  
Physician ID: D00123  
Sanction Date: 05/01/1997  
State: MT  
Reason: NEGLIGENCE ON MORE THAN ONE OCCASION  
Condition: MONITORING FOR 2 YRS; 60 HRS ADDITIONAL EDUCATION; 200 HRS COMMUNITY SERVICE;  
Fines: \$5000  
Update Date: 12/31/2002

---

**Corporate Affiliation 1**

Charter Number: D001234  
Corporation Name: THE COMPANY LLC  
Filing Date: 01/24/1977  
Status: ACTIVE  
State of Origin: MT  
Affiliation: VICE PRESIDENT

---

**Corporate Affiliation 2**

Charter Number: C000999  
Corporation Name: THE COMPANY NAME, INC  
Status: ACTIVE  
State of Origin: MT

---

**Professional License 1**

Profession/Board: PHYSICIAN AND SURGEON OR OSTEOPATH  
Licensee Name: DOE, JOHN SSN: 555-44-XXXX  
License Number: 1234  
Address: 5555 MAIN WAY, KALISPELL, MT 59901-1234, FLATHEAD COUNTY

---

License Type: PHYSICIAN AND SURGEON OR OSTEOPATH  
State: MONTANA  
Status: ACTIVE  
Issued Date: 10/01/1990  
Date Last Reported: 01/01/2009

---

## Health Care License 1

Profession/Board: HEALTH CARE PROVIDER LICENSE  
Name: DOE, JOHN M  
Name: 01/1959  
UPIN: A12345  
License Number: 1234 State: MT  
License Number: MT12345 State: MT  
Provider: 555999  
Specialty: FAMILY PRACTICE  
Specialty: OTHER  
Tax ID: 000123456789  
Tax ID: 000000055555

---

## License 1

Registration Number: AB0002134

### License Information

Business Type: PRACTITIONER  
Name: DOE, JOHN M SSN: 555-44-XXXX  
Address: 1234 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Expiration Date: 06/30/2011

### License Information

Business Type: PRACTITIONER  
Name: DOE, JOHN M SSN: 555-44-XXXX  
Address: 1234 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Expiration Date: 06/30/2008

### License Information

Business Type: PRACTITIONER  
Name: DOE, JOHN M SSN: 555-44-XXXX  
Address: 1234 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Expiration Date: 06/30/2005

---

## Drivers License 1

Name: DOE, JOHN  
License State: MONTANA  
Address: 123 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Status: CURRENT  
License Number: XXXXXXXXXXXXXXXX

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## Drivers License 2

Name: DOE, JOHN  
License State: MONTANA  
Address: 55 FIRST AVE, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Status: HISTORICAL  
License Number: XXXXXXXXXXXXXXXX

---

## Drivers License 3

Name: DOE, JOHN M  
License State: TEXAS  
Address: 99 MAIN ST, DALLAS, TX 75260-1234, DALLAS COUNTY  
Status: HISTORICAL  
License Number: XXXXXXXXXXXXXXXX

---

## Hunting/Fishing 1

Type: FISHING  
Name: DOE, JOHN M SSN: 555-44-XXXX  
Address: 1234 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Home State: MONTANA  
License State: MONTANA

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## Hunting/Fishing 2

Type: HUNTING AND FISHING  
Name: DOE, JOHN SSN: 555-44-XXXX  
Address: 1234 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Home State: MONTANA  
License State: MONTANA

---

## Weapon Permit 1

Name: DOE, JOHN M SSN: 555-44-XXXX DOB: 01/1950  
Address: 1234 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Permit Number: A 00012345  
Permit State: MONTANA  
Expiration Date: 03/20/2006  
Race: WHITE  
Gender: MALE

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## Weapon Permit 2

Permit Type: CONCEALED WEAPONS LICENSE  
Name: DOE, JOHN M SSN: 555-44-XXXX DOB: 01/1950  
Address: 1234 MAIN ST, KALISPELL, MT 59901-1234, FLATHEAD COUNTY  
Permit Number: W 9991234  
Permit State: MONTANA  
Expiration Date: 5/1/2001  
Race: UNKNOWN

## Appendix C

### ***RS 15:1303. Interception and disclosure of wire, electronic, or oral communications***

A. Except as otherwise specifically provided in this Chapter, it shall be unlawful for any person to:

(1) Willfully intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept, any wire, electronic or oral communication;

(2) Willfully use, endeavor to use, or procure any other person to use or endeavor to use, any electronic, mechanical, or other device to intercept any oral communication when:

(a) Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire or electronic communication; or

(b) Such device transmits communications by radio or interferes with the transmission of such communication;

(3) Willfully disclose, or endeavor to disclose, to any other person the contents of any wire, electronic, or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or oral communication in violation of this Subsection; or

(4) Willfully use, or endeavor to use, the contents of any wire, electronic, or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic, or oral communication in violation of this Subsection.

B. Any person who violates the provisions of this Section shall be fined not more than ten thousand dollars and imprisoned for not less than two years nor more than ten years at hard labor.

C.(1) It shall not be unlawful under this Chapter for an operator of a switchboard, or any officer, employee, or agent of any communications common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication; however, such communications common carriers shall not utilize service observing or random monitoring, except for mechanical or service quality control checks.

(2) It shall not be unlawful under this Chapter for an officer, employee, or agent of the Federal Communications Commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the commission in the enforcement of Chapter 5 of Title 47 of the United States Code, to intercept a wire or electronic communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

(3) It shall not be unlawful under this Chapter for a person acting under color of law to intercept a wire, electronic, or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception. Such a person acting under color of law is authorized to possess equipment used under such circumstances.

(4) It shall not be unlawful under this Chapter for a person not acting under color of law to intercept a wire, electronic, or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception, unless such communication is intercepted for the purpose of committing any criminal

or tortious act in violation of the constitution or laws of the United States or of the state or for the purpose of committing any other injurious act.

(5) It shall not be unlawful under this Chapter:

(a) For the ultimate receiver of wire or electronic communication, or an investigative or law enforcement officer to use a pen register or trap and trace device as provided in Part III of this Chapter.

(b) For a provider of electronic communication services to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, or another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful, or abusive use of such service.

(c) To use a device which captures the incoming electronic or other impulses which identify the numbers of an instrument from which a wire communication was transmitted.

(6) A person or entity providing electronic communication services to the public shall not intentionally divulge the contents of any communication while in transmission of that service to any person or entity other than an addressee or intended recipient of such communication or an agent of such addressee or intended recipient except:

(a) As otherwise authorized by federal or state law.

(b) To a person employed or authorized, or whose facilities are used, to forward such communication to its destination.

(c) Any electronic communication inadvertently obtained by the service provider and which appears to pertain to the commission of a crime, if such divulgence is made to a law enforcement agency.

(7) It shall not be unlawful under this Chapter for an officer or investigator of a law enforcement agency to intercept, conduct, use, or disclose electronic, wire, or oral communications obtained during a hostage situation or situation involving a barricaded individual. For the purposes of this Section, "hostage situation" means any situation which involves the unlawful abduction or restraint of one or more individuals with intent to restrict their freedom. For the purposes of this Section, "barricaded individual" means any situation that involves the use of a residence, or other structure, belonging to another to seek refuge from law enforcement after attempting or committing a crime or threatening suicide.

D.(1) Any investigative or law enforcement officer who, by any means authorized by this Chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose the contents to another investigative or law enforcement officer to the extent that the disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

(2) Any investigative or law enforcement officer who, by any means authorized by this Chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication or evidence derived therefrom may use the contents to the extent the use is appropriate to the proper performance of his official duties.

(3) Any person who has received, by any means authorized by this Chapter, any information concerning a wire, oral, or electronic communication, or evidence derived therefrom intercepted in accordance with the provisions of this Chapter may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any proceeding held under the authority of the United States or of any state or political subdivision thereof.

(4) No otherwise privileged wire, oral, or electronic communication intercepted in accordance with, or in violation of, the provisions of this Chapter shall lose its privileged character.

E. Upon receipt of the information or evidence sought by the interception, the interception shall cease.

Acts 1985, No. 859, §1, eff. July 23, 1985; Acts 1991, No. 795, §1, eff. July 22, 1991; Acts 2001, No. 403, §2, eff. June 15, 2001; Acts 2006, No. 292, §1; Acts 2012, No. 727, §2.

## Appendix D

### ***RS 14:323. Tracking devices prohibited; penalty***

A. No person shall use a tracking device to determine the location or movement of another person without the consent of that person.

B. The following penalties shall be imposed for a violation of this Section:

(1) For the first offense, the fine shall be not less than five hundred dollars nor more than one thousand dollars, or imprisonment for not more than six months, or both.

(2) For the second offense, the fine shall be not less than seven hundred fifty dollars nor more than one thousand five hundred dollars, or imprisonment for not less than thirty days nor more than six months, or both.

(3) For the third offense and all subsequent offenses, the fine shall be not less than one thousand dollars nor more than two thousand dollars, or imprisonment for not less than sixty days nor more than one year, or both.

C. The provisions of this Section shall not apply to the following:

(1) The owner of a motor vehicle, including the owner of a vehicle available for rent, who has consented to the use of the tracking device with respect to such vehicle.

(2) The lessor or lessee of a motor vehicle and the person operating the motor vehicle who have consented to the use of a tracking device with respect to such vehicle.

(3) Any law enforcement agency, including state, federal, and military law enforcement agencies, who is acting pursuant to a court order or lawfully using the tracking device in an ongoing criminal investigation, provided that the law enforcement officer employing the tracking device creates a contemporaneous record describing in detail the circumstances under which the tracking device is being used.

(4)(a) A parent or legal guardian of a minor child whose location or movements are being tracked by the parent or legal guardian.

(b) When the parents of the minor child are living separate and apart or are divorced from one another, this exception shall apply only if both parents consent to the tracking of the minor child's location and movements, unless one parent has been granted sole custody, in which case consent of the noncustodial parent shall not be required.

(5) The Department of Public Safety and Corrections tracking an offender who is under its custody or supervision.

(6) Any provider of a commercial mobile radio service (CMRS), such as a mobile telephone service or vehicle safety or security service, which allows the provider of CMRS to determine the location or movement of a device provided to a customer of such service.

(7) Any commercial motor carrier operation.

(8) Any employer that provides a cellular device to employees for use during the course and scope of employment.

D. For the purposes of this Section, a "tracking device" means any device that reveals its location or movement by the transmission of electronic signals.

Acts 2010, No. 807, §1; Acts 2013, No. 249, §1; Acts 2015, No. 173, §1, eff. June 23, 2015.



## Appendix E

### *Two cleared of allegations they helped use GPS to track coach*

John DeSantis

Senior Staff Writer

Published: Tuesday, August 24, 2010 at 10:45 a.m.

THIBODAUX — Charges against a Lafourche Parish businessman and state trooper related to a tracking device a local coach found on his car were dropped by a district judge.

John Ledet Jr., owner of the Cajun Country Casino on La. 182 as well as other local businesses, was charged with criminal mischief in connection with the alleged placement of a GPS tracking device on the underside of an automobile driven by E.D. White High baseball coach Shane Trosclair.

“I knew there would be justice, and I wasn’t going to plead guilty to something I did not do,” Ledet said Monday.

Ledet wouldn’t say whether he played a role in putting the device on Trosclair’s car.

A State Police investigator, Travis “Bucky” Colombel, 40, a longtime Ledet friend and associate, was charged with malfeasance in connection with the same incident.

Lafourche District Judge Bruce Simpson granted a request by defense lawyers last week to “quash” the charges against both Ledet and Colombel, which has the same effect as a dismissal after trial.

Defense attorneys argued that even if Colombel and Ledet had committed the acts alleged, they did not meet the threshold needed to prosecute them for the crimes.

Colombel, placed on administrative leave pending the outcome of the case and a separate investigation by his agency of whether he violated its rules, would not comment on the case.

Trosclair told Thibodaux Police in September that he found a GPS tracking device on his car. Trosclair told authorities the dispute arose because of accusations that he was not playing Ledet’s son, John Ledet III, when he was a member of the E.D. White baseball team.

Ledet has repeatedly denied that accusation, pointing out that his son was an active member of the team. There was never such a discussion, Ledet said.

“It was not about baseball,” Ledet said. Asked for details, he said, “it was about a lot more than baseball.”

A Terrebonne Parish sheriff's deputy, Shane Fletcher, pleaded guilty in February to a misdemeanor charge of criminal mischief in connection with accusations that he played a role.

The Terrebonne Sheriff's Office has acknowledged that Fletcher, a lieutenant at the time, was demoted after it was found he violated the agency's internal policies.

Terrebonne Sheriff Vernon Bourgeois has not commented further.

Lafourche Sheriff Craig Webre said his own detectives conducted an investigation of the incident involving the tracking device and turned its findings over to District Attorney Cam Morvant II.

Neither Colombel, Fletcher nor Ledet cooperated with investigators, Webre said.

An initial investigation was done by the St. James Parish Sheriff's Office after a tracking device was found on Trosclair's car there. Trosclair lives in that parish, in Vacherie.

Webre said his investigators gathered evidence suggesting Colombel placed a second device in Lafourche Parish.

According to Thibodaux officers, Fletcher allegedly contacted them trying to retrieve the device after it was taken as evidence, and they were under the impression that it was being used in an official investigation. An investigation was launched to determine if the device actually belonged to the Terrebonne Sheriff's Office, but it did not.

Both Fletcher and Colombel were informed in February that they were potential targets of a grand jury, according to their attorneys.

Fletcher surrendered and pleaded guilty to the misdemeanor charge, staving off grand jury action.

Colombel negotiated with authorities handling his case. But his case went to the grand jury and the malfeasance indictment was issued.

Ledet received a summons for his misdemeanor charge.

"Accepting all of it and watching my son and my friend's (Colombel's) children going through all of this was the hardest thing about it for me," Ledet said.

Lafourche prosecutors did not comment on the case.

Senior Staff Writer

John DeSantis can be reached at 850-1150 or [john.desantis@dailycomet.com](mailto:john.desantis@dailycomet.com)

# Appendix F

## *Post Office Location Form – Process Service*

Postmaster

Date:

City, State, ZIP Code

### **REQUEST FOR CHANGE OF ADDRESS OR BOXHOLDER INFORMATION NEEDED FOR SERVICE OF LEGAL PROCESS**

Please furnish the new address or the name and street (if a boxholder) for the following:

Name:

Address:

Note: The name and last known address are required for change of address information. The name, if known, and the post office box address are required for boxholder information. The following information is provided in accordance with 39 CFR 365-6(d) (4) (ii). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 365-5 (d) (1) and corresponding Administrative Support Manual 352.44a.

1. Capacity of requester (e.g. process server, attorney, party representing self): Process Server
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting pro se - except a corporation acting pro se must cite statute): Louisiana law allows for process service by Sheriff's office and with court appointed process server
3. The names of all known parties to the litigation:
4. The court in which the case has been or will be heard:
5. The docket or other identifying number if one has been issued:
6. The capacity in which this individual is to be served (e.g. defendant or witness): Plaintiff

**WARNING: THE SUBMISSION OF FALSE INFORMATION EITHER (1) TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION OR 92) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. Section 1001)**

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in conjunction with actual or prospective litigation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
City, State, ZIP Code

**FOR POST OFFICE USE ONLY**

\_\_\_\_\_ No change of address order on file.

\_\_\_\_\_ Moved, left no forwarding address.

\_\_\_\_\_ No such address.

NEW ADDRESS OR BOXHOLDER'S NAME AND STREET ADDRESS:

## Appendix G

### *Louisiana Code of Civil Procedure Art. 1293. Service by private person*

A. When the sheriff has not made service within ten days after receipt of the process or when a return has been made certifying that the sheriff has been unable to make service, whichever is earlier, on motion of a party the court shall appoint a person over the age of majority, not a party and residing within the state whom the court deems qualified to perform the duties required, to make service of process in the same manner as is required of sheriffs. Service of process made in this manner shall be proved like any other fact in the case. Any person who is a Louisiana licensed private investigator shall be presumed qualified to perform the duties required to make service.

B. In serving notice of a summary proceeding as provided by Article 2592 or a subpoena which is related to the proceeding, on motion of a party the court shall have the discretion to appoint any person over the age of majority, not a party and residing within the state, to make service of process, notices, and subpoenas in the same manner as is required of sheriffs, without first requiring the sheriff to attempt service. The party making such a motion shall include the reasons, verified by affidavit, necessary to forego service by the sheriff, which shall include but not be limited to the urgent emergency nature of the hearing, knowledge of the present whereabouts of the person to be served, as well as any other good cause shown.

C. In addition to those natural persons who the court may appoint to make service of process pursuant to Paragraph A or B of this Article, the court may also appoint a juridical person which may then select an employee or agent of that juridical person to make service of process, provided the employee or agent perfecting service of process is a natural person who qualifies as an agent for service of process pursuant to Paragraph A or B of this Article.

D. In addition to the provisions of Paragraph A of this Article, when the citation or other process is a temporary restraining order, protective order, preliminary injunction, permanent injunction, or court-approved consent agreement as referenced in R.S. 46:2136.2(B), the person making the service, or his designee, shall transmit proof of service to the judicial administrator's office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after making service, exclusive of weekends and holidays. This proof shall include, at a minimum, the case caption, docket number, type of order, serving agency and officer, and the date and time service was made.

Acts 1984, No. 210, §1; Acts 2006, No. 704, §1, eff. June 29, 2006; Acts 2010, No. 185, §1; Acts 2010, No. 466, §1, eff. June 22, 2010; Acts 2012, No. 521, §1; Acts 2018, No. 679, §1.