

ANDREA GALLO

19<sup>TH</sup> JUDICIAL DISTRICT COURT

VS.

PARISH OF EAST BATON ROUGE

LOUISIANA STATE  
UNIVERSITY AND AGRICULTURAL  
AND MECHANICAL COLLEGE SYSTEM  
BOARD OF SUPERVISORS

NO. 1020364 SEC. 22

AND

HANK DANOS, CHAIRMAN

Filed: \_\_\_\_\_  
Deputy Clerk

**PETITION FOR WRIT OF MANDAMUS,  
INJUNCTIVE AND DECLARATORY RELIEF**

NOW INTO COURT, through undersigned counsel, comes the Petitioner herein, **Andrea Gallo** ("Gallo" or "Petitioner"), who files this Petition for Writ of Mandamus, Injunctive and Declaratory Relief, and who, with respect to same, does hereby allege, aver, espouse, attest and state as follows, to-wit:

1.

Petitioner is a Louisiana resident of the age of majority and editor of the *The Daily Reveille*, Louisiana State University's student newspaper with a daily circulation of 14,000 copies.

2.

Made Defendants/Respondents herein are the **Board of Supervisors of Louisiana State University and Agricultural and Mechanical College**, a political subdivision and/or instrumentality of the State of Louisiana, authorized by statute and enjoying the right to sue and be sued, and **Hank Danos, in his capacity as Chairman of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College (collectively, "LSU")**, the custodian of public records of the LSU System Board of Supervisors. See §44:1(A)(1)-(3).

3.

On November 2, 2012, the Board engaged R. William Funk & Associates, a Texas-based search firm, to find applicants for a new President and Chancellor for the LSU System and LSU's Baton Rouge-based main campus. These two positions, traditionally separate, were

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combined into a single President/Chancellor position as part of the system's ongoing reorganization efforts.

4.

On or about March 6, 2013, Petitioner did cause a request for information under the Public Records Act of Louisiana, R.S. 44:1 *et seq.*, to be propounded upon Defendants that requested "access to and copies of the names of any and all applicants for the LSU System President/Chancellor position." Petitioner also requested similar documentation from the LSU Foundation and R. William Funk & Associates. *See* Exhibit "A."

5.

On March 11, 2013, Petitioner received a general denial letter from all entities. *See* Exhibit "B."

6.

LSU denied that any records were in its possession, claiming that the documents were in the possession of R. William Funk & Associates.

7.

R. William Funk & Associates denied the request due to its status as a private entity not subject to the Public Records Law.

8.

On information and belief, members of LSU's "Presidential Search Committee" were provided with a website to access resumes of applicants for the new combined LSU President position. On this website, 100 potentials had been identified and the committee then narrowed the field to 30 to 35 finalists, and narrowed them further through a series of interviews, until announcing a sole finalist, F. King Alexander, on March 18, 2013.

9.

On March 18, 2013, counsel for Petitioner made demand upon LSU to re-consider producing the records or seek an Attorney General's Opinion regarding the legality of the process used to identify the finalist for the new LSU System President. *See* Exhibit "C."

10.

On March 27, 2013, F. King Alexander was unanimously confirmed by the LSU Board of Supervisors as the next President of LSU. At the same meeting, the LSU Board of

Supervisors discussed in Executive Session the public records requests of Petitioner and a reporter from *The Advocate*.

11.

On March 28, 2013, counsel for LSU, Jimmy R. Faircloth, Jr., once again denied both Petitioner's and *The Advocate's* requests. See Exhibit "D."

**WRIT OF MANDAMUS, INJUNCTIVE AND DECLARATORY RELIEF**

12.

A writ of mandamus, which will "compel the performance of a ministerial duty required by law," La. C.C.P. Art. 3863, is appropriate to compel Defendants to abide by their statutory duty as custodians to produce records, in whole or in part, made subject of Petitioner's request.

13.

Petitioner, respecting both Federal and Louisiana statutes and constitutional rights, respectfully requests this Honorable Court order production of her request immediately.

14.

It is the law of Louisiana that: "No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law." La. Const. Art. 12, Sec. 3.

15.

Furthermore, "Providing access to public records is a responsibility and duty of the appointive or elective office of a custodian and his employees." La. Rev. Stat. Ann. § 44:31.

16.

"All persons and public bodies having custody and control of any public record," are required by law to preserve the public record "for a period of at least three years." La. Rev. Stat. Ann. § 44:36.

17.

A custodian of Public Records has three days, exclusive of Saturdays, Sundays and legal public holidays, to produce public records readily available such as those at issue in this Petition. La. Rev. Stat. Ann. § 44:33.

18.

Under the same law, any person who is denied the right to inspect or copy a record “may institute proceedings for the issuance of a writ of mandamus, injunctive or declaratory relief, together with attorney's fees, costs and damages as provided for by this Section, in the district court for the parish in which the office of the custodian is located.” La. Rev. Stat. Ann. § 44:35(A).

19.

Any suit brought under the Louisiana Public Records Law, such as this one for Mandamus, Injunctive and Declaratory Relief, “shall be tried by preference and in a summary manner.” La. Rev. Stat. Ann. § 44:35(C).

20.

As stated in La. Rev. Stat. Ann. § 44:31(B)(3), the “burden of proving that a public record is not subject to inspection, copying, or reproduction shall rest with the custodian.”

21.

The Louisiana Supreme Court has further held that these laws should be “construed liberally in favor of free and unrestricted access to the records, and that access can be denied only when a law, specifically and unequivocally, provides otherwise.... Whenever there is doubt as to whether the public has the right of access to certain records, the doubt must be resolved in favor of the public's right to see.” *Title Research Corp. v. Rausch*, 450 So. 2d 933, 936 (La. 1984).

22.

La. Rev. Stat. Ann. § 44:12.1 states that the name and qualifications “of each applicant for a public position of authority or a public position with policymaking duties” shall be a public record.

23.

La. Rev. Stat. Ann. § 44:12.1 further asserts that: “No public body or agent acting on behalf of such a public body shall utilize only oral contacts and interviews of applicants considered when filling vacancies in public positions of authority or public positions with policymaking duties or use any other means to circumvent the provisions of this Section.”

24.

On information and belief, LSU exclusively used oral contact with Funk to determine the lone finalist for the open LSU President position, in violation of La. Rev. Stat. Ann. § 44:12.1.

25.

LSU's contention that the records at issue are the records of a private contractor and not of LSU flies in the face of the clear law to the contrary: a governmental entity cannot simply hire an outside consultant in an attempt to circumvent the Louisiana Public Records Law. See *Bridges v. Collier, et al*, 1992 WL 473213, 21 Media L. Rep. 1061 (La. C. D. Ct. Orl. 1992); *Alliance for Affordable Energy v. Frick*, 695 So.2d 1126, 1133 (La. App. 4th Cir. 1997); *Kyle v. Perrilloux*, 868 So. 2d 27, 31 (La. App. 1st Cir. 2003).

26.

Further, the fact that otherwise public records are in the hands of a private entity does not make the records less public or less covered by the Public Records Law. See *The Times-Picayune Publ'g Co., et al v. Johnson, et al*, 645 So.2d 1174 (La. App. 4 Cir. 10/3/94); See, e.g., *Heath v. City of Alexandria* 11 So. 3d 569, 574 (La. App. 3 Cir. 5/6/09) ("It is well-settled that public records custodians 'do not have authority to transfer custody of public records to another so as to insulate those records from public inspection.'") (quoting *Times-Picayune Publ'g Co. v. Johnson*, 645 So. 2d 1174, 1176 (La. App. 4 Cir. 10/3/94), writ denied, 651 So.2d 260, (La. 3/17/95)); *Burkett v. UDS Mgmt. Corp.*, 741 So.2d 838, 841 (La. App. 3 Cir. 6/2/99), writ denied, 748 So.2d 1150 (La. 10/15/99); *Alliance for Affordable Energy v. Frick*, 695 So. 2d 1126, 1131 (La. App. 4 Cir. 5/28/97.)

27.

Because the records sought are actually those of LSU, and not of Funk, the records are therefore public records under the Louisiana Public Records Law, and although in the custody of a private, for-profit enterprise, are subject to production and "public access must be allowed." See *Burkett v. UDS Mgt. Corp.*, 741 So.2d 838, 841 (La. App. 3d Cir. 1999) writ denied, 748 So.2d 1150 (La. 1999).

28.

Petitioner acknowledges that while a sole "finalist" for the LSU President has since been named and appointed, the other candidates for the position are still newsworthy and their applications are public records under the law. If the actions of Defendants are allowed to carry

the day, future searches for public officers will be shrouded in the same secrecy as the 2013 LSU President search.

29.

Petitioner notes that the finalist selected was a sole finalist and immediately termed the “President-designate” by LSU news releases, there was no further “search,” and that LSU’s duty to search for a president was effectively delegated to a private company to avoid the public scrutiny at the heart of the Louisiana Public Records Law.

30.

Petitioner therefore requests mandamus, injunctive and declaratory relief from this Honorable Court that, in fact, these records are core “public documents” for which the Louisiana Public Records Law was enacted.

31.

Petitioner avers that Defendants have arbitrarily and capriciously withheld the requested records and have constructed a complicated process in an attempt to avoid the Public Records Law. Petitioner requests that this Court award actual damages and civil penalties in accordance with La. Rev. Stat. Ann. § 44:35(E).

32.

In addition, pursuant to constitutional law and the Louisiana Public Records Act, La. Rev. Stat. § 44:35, this action must be tried in a summary manner with preference over other matters. *See* § 44:35 (“Any suit brought in any court of original jurisdiction to enforce the provisions of this Chapter shall be tried by preference and in a summary manner.”).

33.

Petitioner furthermore avers that upon judgment of this Honorable Court, she should be awarded reasonable attorneys’ fees and other costs of litigation under La. Rev. Stat. Ann. § 44:35(D) (“[a prevailing petitioner] *shall be awarded* reasonable attorney’s fees and other costs of litigation.”). *[Emphasis added.]*

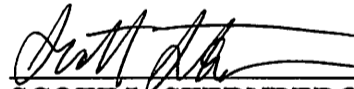
**WHEREFORE**, in consideration of the above and foregoing Petition for Writ of Mandamus, Injunctive and Declaratory Relief, together with the facts stated herein, the exhibits appended hereunto, and the law and equities applicable in the premises:

- a) Petitioner respectfully prays that this Honorable Court immediately and upon filing of this Petition, issue an Alternative Writ of Mandamus directing Defendants to immediately

make the following records available for inspection and copying, or show cause to the contrary:

- **Copies of the names of any and all applicants for the LSU System President/Chancellor position.**
- b) Pursuant to La. Code of Civ. Proc. Art. 3782 and La. Rev. Stat. §44:35, Petitioner prays that this Court set a hearing on this matter not less than two (2) days nor more than ten (10) days from the date of service of the Alternative Writ of Mandamus to be issued upon the filing of this Petition, and require to show cause at that hearing why the Alternative Writ of Mandamus should not be made permanent and peremptory.
- c) Petitioner further (separately and/or conjunctively) prays that this Honorable Court enter an Injunction and Declaratory Judgment acknowledging that applications for a public position made to a private third party are public records within the meaning of the Louisiana Public Records Law, and that Defendants violated the Louisiana Public Records Law
- d) Petitioner finally prays for any and all equitable relief as is available, all costs of this proceeding, damages and civil penalties, as well as reasonable attorneys' fees and costs as provided for under the Louisiana Public Records Law, as well as all other various relief to which Petitioner is entitled.

Respectfully submitted,  
BALDWIN HASPEL BURKE & MAYER, LLC



**SCOTT L. STERNBERG (#33390)**

**PAUL N. VANCE (#13007)**

3600 Energy Centre

1100 Poydras Street

New Orleans, LA 70163

Telephone: (504) 569-2900

Fax: (504) 569-2099

Electronic mail: [sls@bhbmllaw.com](mailto:sls@bhbmllaw.com)

OF COUNSEL:

SCHAFFER & SCHAFFER

**RACHEL L. FLARITY (#33131)**

328 Lafayette Street

New Orleans, LA 70130

Telephone: (504) 522-0011

Fax: (504) 523-2795

Electronic mail: [rflarity@schafer-law.com](mailto:rflarity@schafer-law.com)

*Attorneys for Andrea Gallo*

**SERVICE INSTRUCTIONS ON FOLLOWING PAGE**

**PLEASE SERVE:**

Louisiana State University System Board of Supervisors  
3810 W. Lakeshore Drive, Room 104  
Baton Rouge, Louisiana 70808

Hank Danos, Chairman  
Louisiana State University System Board of Supervisors  
3810 W. Lakeshore Drive, Room 104  
Baton Rouge, Louisiana 70808

W. Shelby McKenzie  
LSU System Lead Counsel  
Louisiana State University System  
3810 Lakeshore Drive  
Baton Rouge, LA 70808

Jimmy R. Faircloth, Jr.  
The Faircloth Law Group, L.L.C.  
1412 Centre Court, Suite 203  
Alexandria, Louisiana 71301



March 6, 2013

Garret "Hank" Danos  
LSU System Board of Supervisors  
3810 West Lakeshore Drive  
Baton Rouge, LA 70808

Dear Mr. Danos,

Pursuant to the state open records law, La. Rev. Ann. Secs. 44:1 to 44:41 and 42:12, I write to request access to and a copy of the names of any and all applicants and candidates for the LSU System President/Chancellor position. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$100. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided by the open records law, I will expect your response within three (3) business days. See La. Rev. Stat. Ann. Sec. 44.32(D).

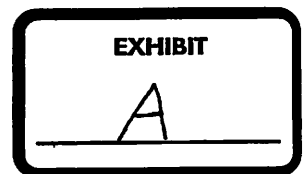
If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

Please be advised that I am prepared to pursue whatever legal remedy necessary to obtain access to the requested records. I would note that a willful violation of the open records law can result in fines of up to \$2,000 and imprisonment of up to six months, or both. See La. Rev. Stat. Ann. Sec. 44:37. Additionally, if a court finds your withholding of records to be unreasonable or arbitrary, it may award civil penalties of up to \$100 per day, attorney fees and other costs of litigation, for which you can be held personally liable. See Sec. 44.35(E).

Thank you for your assistance.

Sincerely,

Andrea E. Gallo  
Editor in Chief  
The Daily Reveille, LSU  
B39 Hodges Hall  
337-781-8009





PERSONAL & CONFIDENTIAL

March 8, 2013

Andrea E. Gallo  
 Editor in Chief  
 The Daily Reveille, LSU  
 B39 Hodges Hall  
 Louisiana State University  
 Baton Rouge, LA 70803-3906

Re: Public Records Request

Dear Ms. Gallo:

I am writing in response to your public records request dated March 6, 2013, in which you request "access to and copies of the names of any and all applicants for the LSU System President/Chancellor position".

R. William Funk & Associates is not a "public body" and is not a "custodian" of "public records" as defined in La.R.S. 44:1. Accordingly, R. William Funk & Associates is not subject to a public records request under Louisiana's public records law.

Sincerely,

R. William Funk  
President

**EXHIBIT**  
B



March 11, 2013

Andrea E. Gallo  
The Daily Reveille, LSU  
B-39 Hodges Hall  
Baton Rouge, LA 70803

Re: Public Records Request dated March 6, 2013

Dear Ms. Gallo,

I am writing in response to your "public records request" dated March 6, 2013, in which you request "access to and copies of the names of any and all applicants for the LSU System President/Chancellor position."

As a private nonprofit corporation established to support a public higher education institution, the LSU Foundation is not a "public body" as defined by La. R.S. 44:1, and the LSU Foundation's books and records are exempt from disclosure under the Louisiana Public Records Law in accordance with the terms of La. R.S. 17:3390C and La. R.S.44:4.1.B.(9). Notwithstanding the LSU Foundation's exemption from the Louisiana Public Records Law, I have been authorized to advise you that the LSU Foundation is not in possession of any records responsive to your request.

Should you have any questions, please contact me directly.

Sincerely,

Sara Crow  
Director of Communications and Donor Relations  
LSU Foundation  
225-578-8164



Louisiana State University System  
3810 West Lakeshore Drive  
Baton Rouge, Louisiana 70808

General Counsel

225 / 578-0335  
225 / 578-0329 fax

March 11, 2013

Andrea E. Gallo  
Editor in Chief  
The Daily Reveille, LSU  
B39 Hodges Hall  
Baton Rouge, LA 70803

Dear Ms. Gallo,

This response is sent on behalf of Mr. Hank Danos, Chairman of the LSU Board of Supervisors, and Dr. William A. Jenkins, Interim LSU President, to your March 6, 2013 letters requesting access to and a copy of the names of any and all applicants for the LSU System President /Chancellor position.

No written applications have been submitted to the LSU Board or the LSU System Office. Neither the LSU Board nor the LSU System Office has received any public records with the names of any applicants.

The identification of prospects for the position is presently being conducted by William Funk and Associates under that company's contract with the LSU Foundation. The LSU Foundation is a private 501(C)(3) corporation whose records are not "public records." See La. R.S. 17:3390. William Funk and Associates is a company that maintains proprietary information on persons holding high academic and other positions who might become candidates for a top university position. As of this date, neither the LSU Board of Supervisors nor the LSU System Office has been given possession of any documents from William Funk and Associates that are responsive to your request.

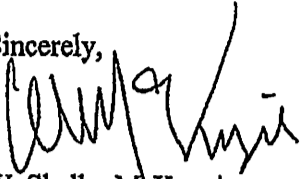
La. R.S. 42:12.1 that you cite does not prohibit oral communications nor require disclosure of oral communications. Further, it does not "require a particular method or procedure for filling vacancies so long as not exclusively by use of oral contact." La. R.S. 44:12.1(B)(2)(b).

Should there be any dispute whether an existing document is a "public record," we respectfully reserve at this time all rights to assert that any document is privileged because the presidential search is under current deliberation by the Board. We reserve the right to withhold such

*Louisiana State University & Agricultural and Mechanical College*  
*LSU at Alexandria • LSU at Eunice • University of New Orleans • LSU in Shreveport*  
*LSU Health Sciences Center • Hebert Law Center • LSU Agricultural Center • Pennington Biomedical Research Center*

documents temporarily in the event we determine that premature disclosure of those documents would be detrimental to the integrity of the deliberative process, undermine a critical function of the Board, and offend expectations of privacy by the candidates. In due course, such records would be made available.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Shelby McKenzie', written in a cursive style.

W. Shelby McKenzie  
LSU System Lead Counsel  
Taylor, Porter, Brooks & Phillips, L.L.P.

cc: Mr. Garret "Hank" Danos  
Dr. William A. Jenkins



SCOTT L. STERNBERG

Direct Dial: 504.585.7857  
Direct Fax: 504.293.5625  
[ssternberg@bhbmlaw.com](mailto:ssternberg@bhbmlaw.com)

March 18, 2013

(via fax: 225-578-0329)  
W. Shelby McKenzie, Esq.  
LSU System Lead Counsel  
Louisiana State University System  
3810 Lakeshore Drive  
Baton Rouge, LA 70808

Re: Andrea Gallo, Editor-in-Chief of *The Daily Reveille*, LSU  
Public Records Request

Dear Mr. McKenzie:

The undersigned represents Andrea Gallo. In her individual capacity she caused identical public records requests to be propounded upon your office, the offices of the LSU Foundation and the Offices of R. William Funk & Associates. These requests were delivered on March 6, 2013.

The requests sought access to and copies of the names of any and all applicants for the LSU System President/Chancellor position.

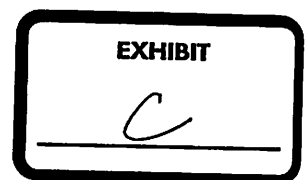
Now, following denial of these requests, Ms. Gallo has engaged me to represent her interests.<sup>1</sup> As you are aware, there is some controversy regarding the openness of the LSU President/Chancellor search. Based on your letter of March 11, 2013, and other confirming reports, LSU has engaged the LSU Foundation, which in turn engaged R. William Funk & Associates, to conduct a search for candidates for the President/Chancellor position. We believe that this unprecedented attempt to keep these records secret is a violation of the spirit and letter of the Louisiana Public Records Law.

As you know, private companies engaged to do the public's business *are* subject to the public records law. In *Bridges v. Collier*, the Civil District Court for the Parish of Orleans held that the City of New Orleans could not avoid the public records law "by

<sup>1</sup> Mrs. Crow's response from the LSU Foundation was generous and helpful, given that she was authorized to advise Ms. Gallo that the LSU Foundation was "not in possession of any records responsive to your request."  
{B0661622.1}



1100 POYDRAS STREET, 36<sup>th</sup> FLOOR NEW ORLEANS, LA 70163  
PHONE 504.569.2900 FAX 504.569.2099 [www.bhbmlaw.com](http://www.bhbmlaw.com)



engaging third party consultants.”<sup>2</sup> Furthermore, “To decide otherwise would allow a public entity to engage a third party consultant any time the public body wished to hide otherwise public records.”<sup>3</sup> This is an analogous situation to the instant case.

Furthermore, in 2006 the Legislature specifically addressed this issue in its passage of Act. 746, which became La. R.S. § 44:12.1. That law speaks for itself:

A. The name of each applicant for a public position of authority or a public position with policymaking duties, the qualifications of such an applicant related to such position, and any relevant employment history or experience of such an applicant shall be available for public inspection, examination, copying, or reproduction as provided in Part II of this Chapter.

B. (1) No public body or agent acting on behalf of such a public body shall utilize only oral contacts and interviews of applicants considered when filling vacancies in public positions of authority or public positions with policymaking duties or use any other means to circumvent the provisions of this Section.

(2) (a) Nothing in this Section shall prohibit oral contact prior to a person becoming an applicant or shall prohibit oral contact which may result in written documents.

(b) Nothing in this Paragraph shall require a particular method or procedure for filling vacancies as long as not exclusively by use of oral contact.

This law clearly prohibits the exclusive use of oral contact in the search for a public officer. It also requires that applications shall be available for examination under the Louisiana Public Records Law. We do not believe given the current setup of the LSU President/Chancellor search that LSU is complying with either requirement of R.S. §44:12.1.

However, in the spirit of cooperation and in an attempt to save both our clients’ fees and expenses, we would respectfully ask you to consider asking Attorney General James D. “Buddy” Caldwell for an opinion. We will withhold filing any legal action against you, the LSU Foundation and R. William Funk & Associates for seven (7) days, or until March 25, 2013. If you seek the Attorney General’s opinion, and so long as there is no unreasonable delay, we will withhold filing any legal action in this matter and will re-evaluate the feasibility of such an action upon the issuance of said opinion.

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<sup>2</sup> 1992 WL 473213; 21 Media L. Rep. 1061 (CDC 1992).

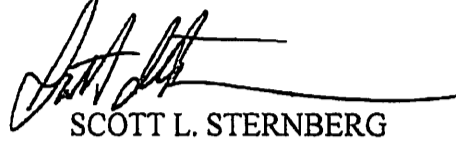
<sup>3</sup> *Id. See, The Times-Picayune Publishing Co., v. Johnson et al*, 645 So.2d 1174 (La. App. 4 Cir. 1994).  
{B0661622.1}

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Please give me a call at your earliest convenience to discuss. I hope that you too are committed to the public's right to know about the applicants for such an important position in Louisiana. Only a full public vetting of applicants for the LSU President/Chancellor position can ensure that the next leader of this venerable institution will have the public support necessary to carry forward.

Yours very truly,



SCOTT L. STERNBERG

SLS/jmz

cc: R. William Funk, President  
R. William Funk & Associates  
(via fax: 214-295-3312)

Sara Crow  
Director of Communications and Donor Relations  
LSU Foundation  
(via fax: 225-578-0530)

{B0661622.1}



**THE FAIRCLOTH LAW GROUP**  
**A LIMITED LIABILITY COMPANY**

ALEXANDRIA • BATONROUGE

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Alexandria, Louisiana 71301  
Phone 318-619-7755  
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[jfaircloth@fairclothlaw.com](mailto:jfaircloth@fairclothlaw.com)

Jimmy R. Faircloth, Jr.  
Board Certified- Civil Trial Advocacy  
National Board of Trial Advocacy

March 28, 2013

Scott L. Sternberg  
Baldwin Haspel Burke &  
Mayer LLC Law Offices  
1100 Poydras St., 36<sup>th</sup> Floor  
New Orleans, LA 70163

Dear Mr. Sternberg:

This office has been retained by the LSU System and Board of Supervisors in connection with your demand of March 18, 2013, on behalf of Andrea Gallo. In addition to the information provided by Mr. McKenzie in his letter to Ms. Gallo of March 11, 2013, we respond as follows.

First, your suggestion that there has been some sort of deliberate effort to evade the Public Records Law is completely misdirected. The Board followed a process that has become standard practice nationally in the higher education community. It is virtually certain that LSU would not have had access to a sufficiently qualified pool of persons to even consider if the process had been administered publically through the system office. The information gathered and disclosed by Funk & Associates was subject to explicit confidentiality provisions that the Board of Supervisors had no part in creating.

Second, your letter expresses displeasure with the existence of public records, not the disclosure of public records. R.S. 44:12.1 applies to records of "applicant(s)" and expressly allows oral communications prior to interested persons reaching that status: "Nothing in this Section shall prohibit oral contact prior to a person becoming an applicant or shall prohibit oral contact that may result in written documents." (44:12.1B(2)(a)). Dr. Alexander is the only person to have reached the status of an applicant to the system. All other persons were merely inquirers who brokered their limited contact through Funk & Associates. The records in the system office regarding Dr. Alexander are available for your client's review and copying at her convenience

EXHIBIT

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March 28, 2013  
Page 2

during office hours. LSU has no additional records responsive to her request.

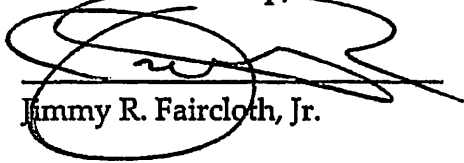
If you need anything further, please do not hesitate to contact our office.

With best regards, I am

Sincerely,

~~The Faircloth Law Group, LLC~~

By:

  
Jimmy R. Faircloth, Jr.

JRF/mw

cc: W. Shelby McKenzie  
LSU System Lead Counsel  
Louisiana State University System  
3810 Lakeshore Drive  
Baton Rouge, LA 70808

ANDREA GALLO

19<sup>TH</sup> JUDICIAL DISTRICT COURT

VS.

PARISH OF EAST BATON ROUGE

LOUISIANA STATE  
UNIVERSITY AND AGRICULTURAL  
AND MECHANICAL COLLEGE SYSTEM  
BOARD OF SUPERVISORS

NO. \_\_\_\_\_ DIV. \_\_\_\_\_

AND

HANK DANOS, CHAIRMAN

Filed: \_\_\_\_\_

\_\_\_\_\_  
Deputy Clerk

**ORDER**

CONSIDERING the Petition for Writ of Mandamus, Injunctive and Declaratory Relief, incorporating a motion for expedited review pursuant to La. Rev. Stat. § 44:35, filed by Andrea Gallo,

**IT IS ORDERED THAT:**

(1) Defendants be served with the foregoing Petition for Writ of Mandamus and a copy of this Order;

(2) An Alternative Writ of Mandamus shall issue herewith, directing and compelling Defendants to immediately produce the following public records requested, or show cause to the contrary:

- Copies of the names of any and all applicants for the LSU System President/Chancellor position.

(3) A hearing shall be held the \_\_\_\_\_ day of \_\_\_\_\_ 2013 at \_\_\_\_\_ a.m., and Defendants shall appear at that hearing and show cause why the Alternative Writ of Mandamus issued by this Order shall not be made peremptory and permanent, and why Defendants should not be taxed with all costs and attorneys' fees, as permitted by law, and such other equitable and just relief as may be permitted by law.

BATON ROUGE, LOUISIANA, this \_\_\_ day of April, 2013.

\_\_\_\_\_  
JUDGE

**SERVICE INSTRUCTIONS**  
**ON FOLLOWING PAGE**

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**PLEASE SERVE:**

Louisiana State University System Board of Supervisors  
3810 W. Lakeshore Drive, Room 104  
Baton Rouge, Louisiana 70808

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