

had been graciously postponed at the request of undersigned counsel. Nonetheless, the additional relevant testimony from these recent depositions serve to undercut the plaintiff's motion.

For example, plaintiff writes in his introductory section that "Pierce was not hired after IPSO learned of his employment status." Curiously absent from plaintiff's filing is that Mr. Pierce applied to the Iberia Parish Sheriff's Office in 2008. The application was made after the beginning of Sheriff Ackal's first term, and Mr. Pierce's HIV status would have been revealed in connection with that earlier application. As such, it cannot be suggested that Mr Pierce's 2012 application was unsuccessful because of a nearly contemporaneous discovery of the plaintiff's HIV status.

In discussing the Abbeville Police Department incident which formed the basis of the decision to not hire Mr. Pierce in 2012, plaintiff writes "Rather, they point to an incident of alleged misconduct that occurred while Pierce was employed by the Abbeville Police Department- which Defendants knew about from the very beginning of his application process, questioned him about during his interview, and dismissed as unimportant and inconsequential- as the real reason he was rejected for employment as a deputy sheriff." That statement is also inaccurate in light of recent deposition testimony. While Mr. Pierce's HIV status was known to the Iberia Parish Sheriff's Office (IPSO) in 2008- plaintiff concedes as much in his deposition- what was not known to Sheriff Ackal until the substantial progression of the 2012 application was Pierce's involvement in the Abbeville incident. It is of no moment that the IPSO hiring board discussed the incident with Pierce during his interview or recommended him for hiring. Sheriff Ackal alone has the power and discretion to hire and fire IPSO employees. It was upon discovery of the Abbeville incident that the Sheriff, in consultation with others, determined that

Mr. Pierce could not join the IPSO force out of a fear for future claims of negligent hiring- a serious consideration and concern for any law enforcement agency. The suggestion that an “alternative reason” for Mr. Pierce not being hired was manufactured on a post hoc basis is simply belied by sworn testimony.

LAW AND ANALYSIS

a. Standard for Summary Judgment

Defendants do not take issue with the recitations set forth by the plaintiff in this section of his memorandum with respect to the appropriate legal standards for considering a motion for summary judgment. However, because the plaintiff cited extensively to *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986) in his memorandum, the defendants wish to draw this Honorable Court’s attention to the following additional admonitions provided by the Court within that opinion:

Our holding that the clear-and-convincing standard of proof should be taken into account in ruling on summary judgment motions does not denigrate the role of the jury. It by no means authorizes trial on affidavits. Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge, whether he is ruling on a motion for summary judgment or for a directed verdict. The evidence of the non-movant is to be believed, and all justifiable inferences are to be drawn in his favor. Neither do we suggest that the trial courts should act other than with caution in granting summary judgment or that the trial court may not deny summary judgment in a case where there is reason to believe that the better course would be to proceed to a full trial. *Anderson* at 255 (internal citations omitted).

Given the additional sworn testimony presented for the Court’s consideration in connection with this opposition memorandum, it is respectfully suggested that summary

judgment simply cannot be granted in the present lawsuit in light of the language from *Anderson* referenced directly above.

b. The full record supports the defendant's version of events

As the plaintiff argues on page 10 of his memorandum, "'Discrimination need not be the sole reason for the adverse employment decision, but must actually play a role in the employer's decision making process and have a determinative influence on the outcome.'" The sworn testimony in this matter confirms that Mr. Pierce's application was declined due to reasons completely unrelated to his HIV status.

Captain Rickey Boudreaux testified that he was only made aware of the Abbeville Police Department incident when alerted by IPSO deputies. (Ex. D, Deposition of Richard "Rickey" J. Boudreaux dated November 15, 2018, pp. 11:19-12:2) Current Chief Deputy Richard Hazelwood only became aware of the incident when he read a news article online which was reported as the plaintiff shooting into a vehicle with women and children inside. (Ex. E, Deposition of Richard Hazelwood dated November 16, 2018, pp. 12:9-13:7)

Ryan Turner was the HR director at the time of Pierce's 2012 application. Turner first became aware of Mr. Pierce, and Mr. Pierce's 2012 application when he was advised by Sheriff Ackal that he wanted to hire Mr. Pierce pursuant to a recommendation. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, p. 11:5-24) As is customary with all incoming Iberia Parish Sheriff's Office applications, a criminal history check is performed. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, p. 14:10-21) When asked if the Human Resources staff would contact past employers, Turner testified that such contact was not typical. When presented with the "Pre-employment Background Investigation Checklist", and asked to identify the types

of records checks performed, Mr. Turner identified checks of the FBI database for criminal history, a NCIC fingerprint check, a CCH criminal history check, the Office of Motor Vehicles, and a warrant check. Mr. Pierce's form contained no information regarding past employers. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 73:4-74:14) Because Sheriff Ackal informed Turner that he wanted Pierce to be hired, a prior employment background check was not conducted. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 74:15-75:9)

At no time did Mr. Turner speak to any members of Mr. Pierce's hiring board, and no time has he received information as to any discussion of the Abbeville Police Department incident during Mr. Pierce's hiring board interview. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 69:18-70:23) In fact, Turner first became aware of the Abbeville Police Department incident by viewing an online news story. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 19:22-20:19) At that moment, he knew that Turner's application was moving forward but was not aware that Pierce had participated in a hiring board interview. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 18:22-19:4)

Immediately after discovering the online news story regarding the Abbeville Police Department incident, Turner informed Sheriff Ackal, then Chief Deputy Toby Hebert, and Sheriff's Office counsel Steve Elledge of the Abbeville Police Department incident. None of those individuals were aware of the incident before Turner's notification. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 20:20-21:10, 23:12-25) When the Abbeville Police Department incident was brought to Sheriff's attention, all four participants to the conversation determined that Pierce could not be hired because of the incident (Ex. F, Deposition of Ryan

Turner dated November 15, 2018, pp. 45:25-46:15) There was a concern as to future liability of the Sheriff's Office for any incident involving Mr. Pierce if he was to be employed as an Iberia Parish Sheriff's Office Deputy. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 64:20-65:10)

Turner believed that he notified Sheriff Ackal about the Abbeville Police Department incident after Sheriff Ackal signed the Personnel Action Request concerning the plaintiff on April 4, 2012. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, p. 45:13-24) It is Turner's recollection that after the initial meeting between himself, the Sheriff, Chief Hebert, and Mr. Elledge regarding the Abbeville incident that further inquiry was made regarding the incident. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 48:4-23, 49:5-12) In his role as Human Resources Director, Turner would not customarily see medical exam forms or the medical recommendation returned by Teche Occupational Medicine regarding any Iberia Parish Sheriff's Office applicant. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 53:2-7, 54:19) And, importantly, at the time of the meeting with Sheriff Ackal, then Chief Deputy Toby Hebert, and Sheriff's Office counsel Steve Elledge to discuss the Abbeville Police Department incident, **there was no discussion of Mr. Pierce's medical status.** (Ex. F, Deposition of Ryan Turner dated November 15, 2018, p. 80:6-21) On the basis of this testimony, the plaintiff cannot successfully prove his ADA claim.

It is apparent that Mr. Pierce believes that any unsuccessful law enforcement agency application- whether at IPSO or elsewhere- was motivated solely by his HIV status. In anticipation that his 2012 IPSO application would be rejected on this basis alone, to the exclusion of any other factor, Mr. Pierce surreptitiously recorded his hiring board interview.

These beliefs concerning any unsuccessful law enforcement agency application are based on conjecture, hearsay, and statements not demonstrative of legal causation- a necessary element of the plaintiff's claim.

c. Finally, a procedural consideration

Plaintiff argues within his memorandum that the IPSO is a covered entity under the ADA. The defendants do not dispute that fact. However, to the extent that a covered entity is an employer, as set forth in plaintiff's memorandum, Messrs. Boudreaux and Turner cannot be considered proper parties to any ADA claim.

For the foregoing reasons, plaintiff's Motion for Partial Summary Judgment must be denied.

3. Mr. Pierce's medical examination in connection with the 2008 application was conducted on December 1, 2008. (Ex. B, Deposition of Douglas Allen Bernard, M.D. dated September 17, 2018, pp. 13:23-14:4)
4. Sheriff Ackal's first term in office commenced on July 1, 2008. (Ex. C, Daily Iberian article dated June 30, 2008, "Sheriff-elect Ackal swearing in Tuesday")
5. If asked if he had undertaken any inquiry or investigation in connection with his 2008 application to determine why he was not hired, Pierce testified "It was pretty clear to me that the only reason was the HIV." (Ex. A, Deposition of William Pierce dated December 5, 2018, p. 14:1-6)
6. Mr. Pierce recorded his interview in connection with his 2012 application. When asked why, Mr. Pierce replied "I am in the habit of recording anything I think I am going to get screwed in" and that he had been "denied before" and "couldn't prove why." (Ex. A, Deposition of William Pierce dated December 5, 2018, pp. 64:4-9, 65:2-7)
7. In 2012, Mr. Pierce also applied to the Youngsville, Broussard, and Carencro Police Departments. (Ex. A, Deposition of William Pierce dated December 5, 2018, pp. 19:25-20:4)
8. Mr. Pierce does not recall recording any of the in person interviews in connection with applications with the Youngsville, Broussard, and Carencro Police Departments. (Ex. A, Deposition of William Pierce dated December 5, 2018, pp. 64:19-65:1)

9. Mr. Pierce believes the Iberia Parish Sheriff's Office was aware of his HIV status at the time of this 2008 application. (Ex. A, Deposition of William Pierce dated December 5, 2018, p. 65:8-13)
10. When asked if his 2012 applications to other law enforcement agencies were unsuccessful on account of his HIV status, Mr. Pierce replied "It might have been. I can't prove it." (Ex. A, Deposition of William Pierce dated December 5, 2018, pp. 65:24-66:4)
11. Mr. Pierce believes his Iberia Parish Sheriff's Office application was unsuccessful strictly on account of his HIV status. (Ex. A, Deposition of William Pierce dated December 5, 2018, p. 66:21-25)
12. Patrol Captain Rickey Boudreaux was familiar with Mr. Pierce before his 2012 Iberia Parish Sheriff's Office application due to the plaintiff serving as a reserve officer with the Lafayette Parish Sheriff's Office and Lafayette Police Department. (Ex. D, Deposition of Richard "Rickey" J. Boudreaux dated November 15, 2018, p. 11:2-9)
13. Captain Boudreaux first became aware of Mr. Pierce's 2012 application when he was approached by Isaiah Rochon and Rusty Meaux, two former colleagues of the plaintiff at the Abbeville Police Department, and in 2012 Iberia Parish Sheriff's Office employees. (Ex. D, Deposition of Richard "Rickey" J. Boudreaux dated November 15, 2018, pp. 11:19-12:2)
14. Captain Boudreaux believed the discussion with Rochon and Meaux took place a month and a half or two months before Pierce's 2012 application. (Ex. D,

Deposition of Richard “Rickey” J. Boudreaux dated November 15, 2018,
p. 12:5-9)

15. Before speaking to Rochon and Meaux, Boudreaux was unaware of the Abbeville shooting incident. (Ex. D, Deposition of Richard “Rickey” J. Boudreaux dated November 15, 2018, pp. 12:22-13:1)
16. Captain Boudreaux was not involved in hiring in the patrol division. The shift lieutenants would be working with hires, so a hiring board would be convened to interview applicants. (Ex. D, Deposition of Richard “Rickey” J. Boudreaux dated November 15, 2018, p. 13:5-13)
17. Irrespective of a hiring board’s recommendation or rejection, Sheriff Ackal had the final say as to whether an applicant would be approved for hire. (Ex. D, Deposition of Richard “Rickey” J. Boudreaux dated November 15, 2018, p. 23:17-21)
18. When asked about a Thursday, March 29, 2012 e-mail exchange between the plaintiff and Chief Civil Deputy Edward Fremin in which Pierce wrote that Boudreaux informed him in a phone call that he was going to be brought on, Boudreaux explained that Pierce would be progressing to the next steps in the hiring process, including the physical. (Ex. D, Deposition of Richard “Rickey” J. Boudreaux dated November 15, 2018, pp. 52:15-53:23)
19. Chief Richard Hazelwood was not the Chief Deputy at the time of Pierce’s 2012 application. (Ex. E, Deposition of Richard Hazelwood dated November 16, 2018, p. 12:2-8)

20. Hazelwood's first knowledge of the Abbeville Police Department incident involving the plaintiff – which was reported as the plaintiff shooting into a vehicle with women and children inside – was when he read a news article online. (Ex. E, Deposition of Richard Hazelwood dated November 16, 2018, pp. 12:9-13:7)
21. Chief Hazelwood testified that he had spoken to Sheriff Ackal on the phone on the morning of his November 16, 2018 deposition, and testified that Sheriff Ackal reiterated that the decision not to hire Pierce in 2012 was based upon becoming aware of the Abbeville Police Department incident. (Ex. E, Deposition of Richard Hazelwood dated November 16, 2018, pp. 17:13-18:6)
22. When asked, Chief Hazelwood confirmed that the only reason for Mr. Pierce not being hired in 2012 was the Abbeville Police Department incident. (Ex. E, Deposition of Richard Hazelwood dated November 16, 2018, p. 12:12-16)
23. Captain Ryan Turner served as the head of the Iberia Parish Sheriff's Office human resources office during Mr. Pierce's 2012 application. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 7:10-13, 10:1-19)
24. Turner first became aware of Mr. Pierce, and Mr. Pierce's 2012 application when he was advised by Sheriff Ackal that he wanted to hire Mr. Pierce pursuant to a recommendation. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, p. 11:5-24)
25. In connection with all incoming Iberia Parish Sheriff's Office applications, a criminal history check is performed. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, p. 14:10-21)

26. When asked if the Human Resources staff would contact past employers, Turner testified that such contact was not typical. When presented with the “Pre-employment Background Investigation Checklist”, and asked to identify the types of records checks performed, Mr. Turner identified checks of the FBI database for criminal history, a NCIC fingerprint check, a CCH criminal history check, the Office of Motor Vehicles, and a warrant check. Mr. Pierce’s form contained no information regarding past employers. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 73:4-74:14)
27. Because Sheriff Ackal informed Turner that he wanted Pierce to be hired, a prior employment background check was not conducted. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 74:15-75:9)
28. At no time did Mr. Turner speak to any members of Mr. Pierce’s hiring board, and no time has he received information as to any discussion of the Abbeville Police Department incident during Mr. Pierce’s hiring board interview. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 69:18-70:23)
29. Turner first became aware of the Abbeville Police Department incident by viewing an online news story. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 19:22-20:19)
30. When Turner first became aware of the Abbeville Police Department incident, he knew that Turner’s application was moving forward but was not aware that Pierce had participated in a hiring board interview. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 18:22-19:4)

31. Immediately after discovering the online news story regarding the Abbeville Police Department incident, Turner informed Sheriff Ackal, then Chief Deputy Toby Hebert, and Sheriff's Office counsel Steve Elledge of the Abbeville Police Department incident. None of those individuals were aware of the incident before Turner's notification. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 20:20-21:10, 23:12-25)
32. When the Abbeville Police Department incident was brought to Sheriff's attention, all four participants to the conversation determined that Pierce could not be hired because of the incident (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 45:25-46:15)
33. During the meeting, there was a concern as to future liability of the Sheriff's Office for any incident involving Mr. Pierce if he was to be employed as an Iberia Parish Sheriff's Office Deputy. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, pp. 64:20-65:10)
34. At the time that a Personnel Action Request form is fully executed by all signatories, an applicant is provisionally hired as the applicant would need to be sworn in and other procedural steps taken. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, p. 43:5-11)
35. Turner believes he notified Sheriff Ackal about the Abbeville Police Department incident after Sheriff Ackal signed the Personnel Action Request concerning the plaintiff on April 4, 2012. (Ex. F, Deposition of Ryan Turner dated November 15, 2018, p. 45:13-24)

ATTORNEYS FOR SHERIFF LOUIS M. ACKAL, IN HIS OFFICIAL CAPACITY AS SHERIFF OF IBERIA PARISH, CAPTAIN RYAN TURNER, IN HIS OFFICIAL CAPACITY AS A FORMER OFFICER WITH THE IBERIA PARISH SHERIFF'S OFFICE, AND CAPTAIN RICKEY BOUDREAUX, IN HIS OFFICIAL CAPACITY AS A FORMER OFFICER WITH THE IBERIA PARISH SHERIFF'S OFFICE

5. Plaintiff's Statement of Fact No. 5 is denied as written, as indicated in the Defendants' Statement of Uncontested Material Facts.
6. Plaintiff's Statement of Fact No. 6 is denied as written, as indicated in the Defendants' Statement of Uncontested Material Facts.
7. Defendants do not contest Plaintiff's Statement of Fact No. 7.
8. Defendants do not contest Plaintiff's Statement of Fact No. 8.
9. Plaintiff's Statement of Fact No. 9 is denied as written, as indicated in the Defendants' Statement of Uncontested Material Facts.
10. Defendants do not contest Plaintiff's Statement of Fact No. 10.
11. Defendants do not contest Plaintiff's Statement of Fact No. 11.
12. Plaintiff's Statement of Fact No. 12 is denied as written.
13. Plaintiff's Statement of Fact No. 13 is denied as written, as indicated in the Defendants' Statement of Uncontested Material Facts.
14. Plaintiff's Statement of Fact No. 14 is denied as written, as indicated in the Defendants' Statement of Uncontested Material Facts.
15. Plaintiff's Statement of Fact No. 15 is denied as written, as indicated in the Defendants' Statement of Uncontested Material Facts.
16. Plaintiff's Statement of Fact No. 16 is denied as written, as indicated in the Defendants' Statement of Uncontested Material Facts.
17. Plaintiff's Statement of Fact No. 17 is denied as written.
18. Plaintiff's Statement of Fact No. 18 is denied as written.
19. Defendants do not contest plaintiff's Statement of Fact No. 19.

WILLIAM PIERCE VERSUS SHERIFF LOUIS M. ACKAL
Pierce, William Steve on 12/05/2018

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION
WILLIAM PIERCE * CIVIL ACTION NO.
VERSUS * 6:17-CV-01365
SHERIFF LOUIS M. ACKAL, ET AL * JUDGE
* UNASSIGNED DISTRICT JUDGE
* MAGISTRATE PATRICK J. HANNA

DEPOSITION OF WILLIAM STEVE PIERCE, TAKEN
BEFORE KERRI F. THOLEN, CERTIFIED COURT
REPORTER, AT STONE, PIGMAN, WALTHER & WITTMANN,
909 POYDRAS STREET, SUITE 3150, NEW ORLEANS,
LOUISIANA 70112, TAKEN ON THE 5TH DAY OF
DECEMBER, 2018, STARTING AT 10:09 A.M.

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WILLIAM PIERCE VERSUS SHERIFF LOUIS M. ACKAL
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- 1 Q. Did you serve as a reservist with any other
2 law enforcement agency either in Acadiana or
3 elsewhere?
4 A. No.
5 Q. Okay.
6 A. Not as a reserve.
7 Q. Okay. And your application to Iberia Parish
8 did establish pretty much your employment
9 history before then, so I don't need to ask you
10 about that. The first depositions we had in
11 this case were the individuals that was at
12 Teche Occupational Medicine in New Iberia which
13 administers all of the pre-employment medical
14 examinations and there was testimony that you
15 had previously made an application to the
16 Iberia Parish Sheriff's Office in 2008; is that
17 correct?
18 A. That's correct.
19 Q. Okay. I was curious about that. Do you
20 recall the circumstances of -- well, tell me
21 what you recall about the time you applied to
22 Iberia Parish in 2008?
23 A. I recall everything was fine until, once
24 again, the medical evaluation.
25 Q. Okay. There has been testimony that the

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1 Q. Okay. Did you undertake any inquiry or
2 investigation in connection with that 2008
3 application to determine why you had not been
4 hired?

5 A. It was pretty clear to me that the only
6 reason was the HIV.

7 Q. Okay. All right. And it looks like after
8 that application would have been when you
9 started with the Arnaudville Police Department?

10 A. That's correct.

11 Q. Okay. And it looks like you did some work
12 at Lafayette General then with the Abbeville
13 Police Department?

14 A. Yes. I was a part-time employee at the
15 time. I was full-time with the PD and
16 part-time with Lafayette General.

17 Q. Okay, it's very close to Lafayette General.
18 So your stint with the Abbeville Police
19 Department, as far as, as you know, is one of
20 the things, this incident, that prompted your
21 termination from that force. What -- it's fair
22 -- let me hear your account of what happened
23 that day, that there was a need for you to
24 discharge your service weapon?

25 A. I would have to look at all of those

WILLIAM PIERCE VERSUS SHERIFF LOUIS M. ACKAL
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1 was a known drug offender in the area.

2 Q. Okay.

3 A. As well as other crimes. And I do not
4 recall his name.

5 Q. That's okay.

6 A. I would know it if I heard it, but I just
7 don't care enough to remember it.

8 Q. That's fine. But it's your recollection
9 that there was a single occupant in that
10 vehicle?

11 A. That's correct.

12 Q. Okay. Looking at your Iberia Parish
13 application -- actually, no, excuse me, your
14 attorney has provided me with some emails we
15 are going to discuss shortly in connection with
16 your application to Iberia Parish Sheriff's
17 Office. After you were terminated -- well,
18 after you resigned from Abbeville Police
19 Department in 2012 -- well, I guess, after you
20 left the employment, that is a cleaner
21 question, after you left the employment of the
22 Abbeville Police Department in 2012 besides
23 applying to the Iberia Parish Sheriff's Office,
24 do you recall applying to any other local law
25 enforcement agencies?

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1 A. At that time, yeah, multiple.

2 Q. Okay. Do you recall the names of what any
3 of those departments were?

4 A. Youngsville, Broussard, Carencro.

5 Q. Okay. Was it your intention that if you had
6 been offered employment by any of those
7 agencies, you would have accepted the
8 employment?

9 A. Absolutely.

10 Q. Okay. Do you have any information as to
11 why your application was not successful with
12 any of those agencies?

13 A. No, I have no clue.

14 Q. Okay. But it is my understanding that the
15 chief of the Broussard Police Department was
16 willing to make recommendations that you be
17 hired by other departments; is that correct?

18 A. Broussard?

19 Q. There has been testimony that Brannon
20 Decou, who is the chief of the Broussard Police
21 Department, advocated on your behalf in
22 connection with your Iberia Parish Sheriff's
23 Office Application, do you have any
24 recollection or knowledge of that?

25 A. No. Hmmm.

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1 mean that's stupid.

2 **Q. Right.**

3 A. It's wrong.

4 **Q. Okay. I wanted to ask you about the hiring**
5 **board interview. Are you normally in the habit**
6 **of recording job interviews?**

7 A. I am in the habit of recording anything I
8 think I am going to get screwed in.

9 **Q. Okay.**

10 A. And I am in the habit of recording things
11 to improve myself.

12 **Q. Okay.**

13 A. Interviews are a performance and the way
14 actors improve on their performance is to watch
15 a video of themselves.

16 **Q. Okay.**

17 A. And see how they can perform; the same way
18 with an interview.

19 **Q. Okay. In 2012 when you made an application**
20 **with other law enforcement agencies, did you**
21 **have any other in person interviews with any of**
22 **those law enforcement agencies?**

23 A. Yes.

24 **Q. Okay. Do you have any recollection as to**
25 **whether you recorded any of those interviews?**

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1 A. I don't recall.

2 Q. Okay. Is there is reason in particular why
3 you recorded the interview with the Iberia
4 Parish Sheriff's Office?

5 A. I was denied before.

6 Q. Okay.

7 A. And I couldn't prove why.

8 Q. Okay. Is it your appreciation, I think we
9 already know the answer to this question, in
10 connection with your 2008 application that the
11 Iberia Parish Sheriff's Office was aware of
12 your HIV status then?

13 A. I am sure they were.

14 Q. Okay.

15 A. But like I said, everyone deserves a second
16 chance. I mean just because I got denied in
17 2008, it doesn't mean I will get denied in
18 2012.

19 Q. Okay. Did you consider taking any legal
20 recourse in connection with the 2008
21 application denial?

22 A. I thought about it, but I just -- I didn't
23 bother.

24 Q. Okay. Were you ever under the impression
25 that any other law enforcement agencies to

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1 which you made application unsuccessfully that
2 your HIV status may have been a deciding factor
3 in you not obtaining any of those jobs?

4 A. It might have been. I can't prove it.

5 Q. Okay. But we have talked to them about a
6 conjecture that's --

7 A. Yeah, Louisiana is Louisiana. We all know
8 the way it works in Louisiana and everybody
9 talks and everybody has back doors and
10 Louisiana is known for that type of behavior.

11 Q. Okay.

12 A. I am sure that word had spread within the
13 law enforcement community. It's a small
14 agency. The chiefs meet once a month or once a
15 quarter throughout the state, the same thing
16 with the sheriff's association. The chiefs all
17 meet together -- I am sorry, the sheriffs and
18 the deputy sheriffs all meet.

19 Q. Right.

20 A. And people know people.

21 Q. Okay. Is it your belief then that you not
22 being hired in 2012 was strictly related to
23 your HIV status?

24 A. That's correct.

25 Q. Okay.

1 in a case?

2 A Yes.

3 Q And in that case, you were -- you actually
4 gave testimony at trial?

5 A Yes.

6 Q And have you been qualified, then, as an
7 expert in court?

8 A Yes, sir.

9 Q And what was the subject matter of your
10 expertise in which you've been qualified?

11 A It's usually my expertise as an orthopedic
12 surgeon and evaluating physician.

13 Q All right. Have you ever been qualified as
14 an expert on HIV?

15 A No, sir.

16 Q And I already asked about representation.

17 Did you prepare for this deposition?

18 A No, sir, other than going through the
19 chart.

20 Q So you reviewed the chart from the time
21 that Mr. Proctor was evaluated here?

22 A Yes, sir. He was seen twice here.

23 Q And can you tell me the dates that he was
24 in here?

25 A Okay. He was seen for an evaluation in

1 2008, specifically, December 1, 2008, for
2 Iberia Parish Sheriff's Office, and was
3 seen again on 2012, April 11, 2012 for the
4 same.

5 Q Okay. And just so that the record's clear,
6 you're looking at the file. You obtained
7 those dates from the file that you're
8 looking at, correct?

9 A Yes, sir.

10 Q All right. You can set that back aside.

11 A (Complies with request.)

12 Q Besides for that file, did you obtain or
13 review any other documents in preparation
14 for this deposition?

15 A No, sir.

16 Q Have you been an owner of Teche
17 Occupational since its inception --

18 A Yes, sir.

19 Q -- or part owner?

20 A Yes, sir.

21 Q And when was it actually created?

22 A We formed the LLC in -- I believe it was
23 2004. And I'm an equal partner with
24 myself, Harold Broussard, and -- I'll think
25 of it in a minute. Can we come back to

https://www.iberianet.com/news/sheriff-elect-ackal-swearing-in-tuesday/article_ac50b5f4-df9f-56d5-926b-44a8fde29bb8.html

Sheriff-elect Ackal swearing in Tuesday

BY STEVE WILSON
THE DAILY IBERIAN Jun 30, 2008

Iberia Parish Sheriff-elect Louis Ackal will be sworn in as sheriff at noon Tuesday. The ceremony will be held on the front steps of the Iberia Parish Court House at 300 S. Iberia St. in New Iberia. In the event of bad weather, the event will be moved inside. The public is invited to attend.

A native of Iberia Parish, Ackal started with the Iberia Parish Sheriff's Office on July 1, 1961, following in the footsteps of his father, also an IPSO deputy, who had died just a few days earlier.

"We were transporting a prisoner back from Ft. Hood, Texas, to the Iberia Parish Jail when my father suffered a massive heart attack," Ackal, 64, said.



12/14/2018

Sheriff-elect Ackal swearing in Tuesday | Local News Stories | iberianet.com

"I was 17 at the time. I took over the wheel and drove to Conroe, Texas. We transported my father a week later to Iberia Medical Center, where he died on June 20, 1961. He was an inspiration to me."

After five years with IPSO, Ackal went to work for the Louisiana State Police, from which he retired in 1984. He worked in corporate security for several years after that, and was then hired by the Louisiana Sheriff's Association to create a computerized narcotics intelligence system as part of a special narcotics task force.

Following this, he went to work for Louisiana Attorney General Richard Ieyoub, a longtime friend, serving as state section chief for the gaming division of the AG's office. Other positions he has held include chief deputy for St. Mary's Parish and confidential assistant over the Louisiana Department of Public Safety for Gov. Mike Foster.

After doing volunteer search and rescue work in Colorado, Ackal returned to Iberia Parish in 2004. He decided to run for sheriff after doing some "soul searching."

"I didn't like what I saw in terms of the crime situation in the parish," Ackal said. "I never considered myself a politician or want to be a candidate in politics. I hope to use my experience to address the crime problem in Iberia Parish."

Following the swearing-in ceremony, a reception will be held from 6 to 9 p.m. at Guggenheim's on Main Street in New Iberia.

The reception is free and open to the public.

William Pierce v. Sheriff Louis M. Ackal
Richard J. Boudreaux

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

WILLIAM PIERCE,
PLAINTIFF

VERSUS

CIVIL ACT. NO.: 17-1365
JUDGE: UNDESIGNATED
MAGISTRATE JUDGE: HANNA

SHERIFF LOUIS M. ACKAL,
ET AL,
DEFENDANTS

DEPOSITION OF
RICHARD "RICKEY" J. BOUDREAUX

TAKEN ON NOVEMBER 15, 2018

BEGINNING AT 9:07 A.M.

AT BORNE, WILKES & RABALAIS
200 WEST CONGRESS STREET
SUITE 1000
LAFAYETTE, LOUISIANA 70501

REPORTED BY: PAMELA P. FONTENOT, CCR



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Richard J. Boudreaux

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1 there.

2 **Q** You indicated that you were familiar with
3 Liam Proctor -- Liam Pierce.

4 **A** Right. Prior to even being at Iberia.

5 **Q** Explain that to me.

6 **A** He was a reserve officer, and -- I know he
7 was a reserve officer with the sheriff's
8 office in Lafayette and also Lafayette City
9 P.D.

10 **Q** And, so, in the course of him being a
11 reserve officer in a force that's next door
12 to you, basically --

13 **A** Right.

14 **Q** -- that's your involvement with him?

15 **A** Yes. Yes.

16 **Q** When did you first know about Mr. Pierce
17 seeking employment with Iberia Parish
18 Sheriff's Office?

19 **A** I actually was approached by two of his
20 former fellow employees from Abbeville P.D.
21 and asked if I would sit down and talk with
22 him about the possibility of getting hired
23 on with the sheriff's office.

24 **Q** Do you know who those guys were?

25 **A** Isaiah Rochon.

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1 Q Isaiah --

2 A Rochon. R-O-C-H-O-N, and Rusty Meaux.

3 Q Rusty Meaux. Got that one.

4 A Yes.

5 Q Roughly, when was that from? -- a time
6 frame. Was it shortly before the interview
7 process with --

8 A I would say about a month and a half, two
9 months before.

10 Q What did the conversations with Isaiah and
11 Rusty, in a short -- what did they tell --

12 A They felt like he had gotten a raw deal
13 while dealing with Abbeville. I'm sorry,
14 Abbeville P.D. They explained to me that
15 they were civil service and pretty much the
16 council ruled on who stayed employed and all
17 that, and they felt like, although he had
18 had some -- some rough goings in Abbeville,
19 they did not feel what he did was
20 terminatable (sic) and they were looking for
21 him to have another chance.

22 Q And had you -- before talking to Isaiah and
23 Rusty, because of the law enforcement
24 community in Louisiana, did you know about
25 the Abbeville incident?

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1 **A** No, I did not.

2 **Q** And, so, in discussing with Isaiah and
3 Rusty -- the next step was a sit-down
4 with --

5 **A** I told them to tell him to come talk to me.
6 He sat down -- he was very forthright and
7 honest about it. I explained to him that I
8 do not actually do the hiring, what I do
9 is -- because the lieutenants on each shift
10 are the ones that have to actually work with
11 the personnel -- they convene a hiring board
12 and they ask all the questions and even the
13 tough questions.

14 **Q** And we'll probably get into more detail
15 about the hiring board, but briefly explain
16 that to me. Who sets that up? -- the hiring
17 board.

18 **A** I had an executive lieutenant that
19 would -- whose name was Dickie Fremin. He
20 would set up the hiring board and he would
21 get all the shift lieutenants, which there
22 were four. Well, actually, there were five
23 lieutenants, because I had one special
24 operations lieutenant, and they would at
25 least try to have three to four lieutenants

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1 Q After the hiring board had the application
2 and the meeting with Mr. Pierce, the
3 application came back to you.

4 Do you remember anything being written
5 on it?

6 A He was approved for hire.

7 Q What's that next step after that?

8 A Next step is it's -- the ones that are
9 approved for hire are put into the envelope
10 and sent to Human Resources to be -- to go
11 on with the hiring process.

12 The ones that were rejected were put in
13 a separate envelope, wrote on there
14 rejections, and they were sent to Human
15 Resources because the sheriff had the final
16 say.

17 It basically did not -- in reality, it
18 did not matter what the hiring board
19 recommended, the sheriff had the final say
20 whether someone was approved for hire or
21 not.

22 Q Which takes us to "F" on that Interrogatory
23 Number 4. It says "If the applicant is
24 approved by the hiring board, the personnel
25 department is notified by the division

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1 And that would -- that would be
2 about -- right during that time.

3 **MR. COCHRAN:**

4 **Q** Time --

5 **A** Yeah. It just -- we went from -- our chief
6 deputy passed away -- to Chief Hebert, then
7 to Chief Bert Barry. Okay.

8 **Q** Okay. The email that is dated Thursday,
9 March 29, 2012.

10 **A** Okay.

11 **Q** And it looks to be an email from Mr. Pierce
12 to E. Freeman.

13 **A** That would be Chief Freeman. He was the
14 chief civil deputy.

15 **Q** And it says "Morning Chief. I wanted to
16 take a minute and let you know that Captain
17 Boudreaux called this afternoon and advised
18 me that the interview with the lieutenants
19 went well and he was going to bring me on."

20 On that, the lieutenants would be
21 the -- would that -- your best
22 understanding, would be the hiring board?

23 **A** That's the hiring board. Yes.

24 **Q** And then do you remember making a phone call
25 to Mr. Pierce?

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1 A I don't remember, but it's very possible.

2 Q And would that be ordinary or unordinary? I
3 mean, I know you don't --

4 A No, that would be ordinary. I would tell
5 them, "Okay. You've been approved to go to
6 the next steps."

7 Q From a time line sequence, that is on the
8 29th, so that's a couple of days after the
9 in-person interview, so, that's --
10 time-wise, that's --

11 A About right.

12 Q About right. Okay. A couple of days. And
13 the statement that "he was going to bring me
14 on," meaning that --

15 A He was approved for the next step.

16 Q He's approved for hire pending the physical,
17 is that your --

18 A I would assume the physical and whatever
19 other background checks they do, reference
20 checks, or pre- or past employment.

21 Q Whatever HR does?

22 A Yeah. That I don't ever want to be a part
23 of.

24 Q Because the next sentence is "As well, I
25 will be getting a call next week for the

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Richard Hazelwood

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

WILLIAM PIERCE,
PLAINTIFF

VERSUS

CIVIL ACT. NO.: 17-1365
JUDGE: UNDESIGNATED
MAGISTRATE JUDGE: HANNA

SHERIFF LOUIS M. ACKAL,
ET AL,
DEFENDANTS

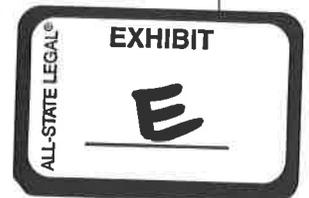
DEPOSITION OF
RICHARD HAZELWOOD

TAKEN ON NOVEMBER 16, 2018

BEGINNING AT 10:22 A.M.

AT THE IBERIA PARISH SHERIFF'S DEPARTMENT
300 SOUTH IBERIA STREET
NEW IBERIA, LOUISIANA 70560

REPORTED BY: PAMELA P. FONTENOT, CCR



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Richard Hazelwood

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1 because of a disability.

2 **Q** And earlier you said -- I believe you
3 said that you couldn't believe that he was
4 interviewed in the first place. Is that --

5 **A** Let's put it this way, had I been the chief
6 deputy at the time that this occurred, it
7 would have never even -- wouldn't even have
8 thought of it.

9 **Q** What I'm trying to understand is what is the
10 basis for that statement? Why are you --

11 **A** Because he shot in the car with women and
12 children in it just because he thought it
13 was going too fast. I'm not going to hire
14 anybody like that.

15 **Q** You're referring to an incident that
16 occurred when he was a police officer in
17 Abbeville?

18 **A** Correct.

19 **Q** And how did you learn about that incident?

20 **A** It was in the news media.

21 **Q** When you say it was in the news media, was
22 it in a lot of news media?

23 **A** It was in the local media.

24 **Q** Newspapers?

25 **A** I think -- basically, I saw it first on one

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1 of the television web sites. I don't watch
2 local news and I don't read newspapers to be
3 honest with you, but, I do every day, two or
4 three times a day, check the local news
5 sites on the Internet.

6 Q So, you had seen it online?

7 A Right.

8 Q And you said it was common knowledge?

9 A Yeah. To my knowledge, yeah.

10 Q Have you personally spoken to anyone at
11 Abbeville Police Department --

12 A No.

13 Q --about the incident?

14 A No.

15 Q Have you personally done any investigation
16 about that incident?

17 A No.

18 Q Has anyone taken such action at your
19 direction?

20 A No.

21 Q Are you aware of anyone else with the IPSO
22 investigating that Abbeville incident?

23 A Not that I'm -- I don't think so.

24 Q In your role as chief deputy, do you sign
25 off on Personnel Action Requests?

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1 be?

2 A Could have been any one of the other three
3 people that sign this form, or it could have
4 been someone in HR at the time, or it could
5 have been done since then.

6 Q You mentioned that you've had conversations
7 since the lawsuit was filed with Sheriff
8 Ackal?

9 A Yes.

10 Q Was anyone else present during those
11 conversations?

12 A Possibly, Steve, but there's been --

13 Q Well, I don't want to get into
14 communications between you and Mr. Elledge,
15 but, did you have any conversations with
16 Sheriff Ackal not involving Mr. Elledge
17 relating to this lawsuit?

18 A Yeah. I spoke to him on the phone this
19 morning.

20 Q What did the sheriff say?

21 A Pretty much the same thing I just told you.
22 Once we found -- once he became aware of the
23 situation in Abbeville and what he had done
24 there, wasn't no way he was gonna be on
25 board with hiring him. And the only reason

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1 he had essentially even agreed to look at
2 the young man was because of a request by
3 Brannon Decou.

4 Q This is based on your conversation this
5 morning with the sheriff?

6 A Yeah.

7 Q What did the sheriff tell you about -- well,
8 first off, who is Mr. Decou?

9 A What's that?

10 Q Mr. Decou?

11 A He's the Chief of Police in Broussard.

12 Q So, the sheriff told you on the phone this
13 morning that the only reason he interviewed
14 Mr. Proctor was because -- was at the
15 request of Mr. Decou?

16 A Correct.

17 Q What else did you and the sheriff discuss
18 this morning?

19 A It's pretty much the sense of it right
20 there. Nothing other than what I've already
21 told you, you know. He concurred with what
22 I felt about the young man and about the
23 actions in Abbeville made him unsuitable for
24 employment, as far as I'm concerned, here or
25 in any law enforcement agency. I've fired

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Ryan Turner

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

WILLIAM PIERCE,
PLAINTIFF

VERSUS

CIVIL ACT. NO.: 17-1365
JUDGE: UNDESIGNATED
MAGISTRATE JUDGE: HANNA

SHERIFF LOUIS M. ACKAL,
ET AL,
DEFENDANTS

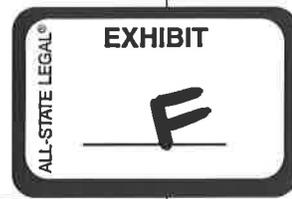
DEPOSITION OF
RYAN TURNER

TAKEN ON NOVEMBER 15, 2018

BEGINNING AT 1:01 P.M.

AT BORNE, WILKES & RABALAIS
200 WEST CONGRESS STREET
SUITE 1000
LAFAYETTE, LOUISIANA 70501

REPORTED BY: PAMELA P. FONTENOT, CCR



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Ryan Turner

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1 **A** That would have been 2004. Then, I think,
2 in 2007, I transferred to
3 detectives -- 2008, I think I was promoted
4 to a sergeant in detectives, and I think in
5 2009, 2010, lieutenant, but I -- at that
6 time I also took on the role as public
7 information officer and over personnel.
8 That would have been probably 2010, 2011,
9 somewhere around there.

10 **Q** So, 2010, 2011, through 2014, you were
11 public information officer and you said
12 Human Resources?

13 **A** Yes, for Personnel, Human Resources.

14 **Q** Backing up a little bit, what is your
15 educational background?

16 **A** High school, some college.

17 **Q** Other than speak to counsel, had you done
18 anything in order to prepare yourself for
19 this depo? Look at any documents?

20 **A** Just the actual -- what you guys sent
21 out -- the actual -- was it the lawsuit to
22 the --

23 **Q** The notice for the depo?

24 **A** No, it was something else.

25 **Q** The actual complaint? The petition?

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1 Q Are you familiar with Liam Pierce Proctor?

2 A In what capacity?

3 Q Well, in the job as Human Resources -- was
4 it director? Was that what it was called?
5 Or supervisor?

6 A Well, I had a -- I think it was -- yeah.
7 I mean, my title was lieutenant and I think
8 I made captain at the time. So I had just
9 made captain over Human Resources, I guess.

10 Q So, we'll just call it HR Captain, if that
11 makes it a little easier to reference.

12 A Sure.

13 Q So, as HR Captain, it's my understanding
14 that that department would be where the
15 applications would come in?

16 A Yeah. I mean, I had two individuals that
17 assisted me with that capacity, and that
18 would have been Tessie Lejeune -- and, God,
19 I can't remember the other lady's name.

20 MR. BAROUSSE:

21 Was it Pam somebody?

22 DEPONENT:

23 Yes, Pam. I can't think of her last
24 name.

25 A Yeah, Pam. I think the application would

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1 technically go to them, if I remember
2 correctly, and then they would be brought to
3 my attention.

4 **MR. COCHRAN:**

5 **Q** But, you are aware that an application came
6 in from Mr. Pierce, correct, at some point?

7 **A** At some point, yeah. Yeah. How I learned
8 of his name would have been, I think,
9 through Louis Ackal -- Sheriff Ackal at the
10 time. I think he mentioned to myself and
11 whoever else in his office that he wanted to
12 hire this individual, that it was
13 recommended -- he came recommended from a
14 friend of his or something like that.

15 **Q** Prior to that conversation with Sheriff
16 Ackal, did you know anything at all about
17 Mr. Pierce?

18 **A** No. No. And maybe he had -- at that point
19 I don't even recognize the name -- I
20 wouldn't have recognized the name. It's
21 possible he had maybe applied or sent an
22 application prior to Louis -- Sheriff Ackal
23 bringing that up, but, yeah, that's the
24 first I was made aware of his name.

25 **Q** The application is dated in February of

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1 **A** Sure. Yeah, yeah.

2 **Q** -- conversation?

3 **A** Typically, that's what would happen. I
4 mean, a lot of times, you know, like you
5 said, the sheriff will come in and say, hey,
6 I want this guy hired, or, you know, or
7 he'll come in with an application on his
8 own, but, yeah, that's typically what
9 happens for "A."

10 **Q** And then "B," it says "Application is
11 reviewed by the Human Resources Director."
12 That would be you?

13 **A** Yes.

14 **Q** And the applicant's criminal history is
15 verified, and that would be by your staff?

16 **A** Staff. Yes. We had -- I think, either
17 warrants or someone else would actually run
18 the criminal history for me. Yeah.
19 Occasionally I would. For the most part it
20 was another individual that would run
21 criminal history.

22 **MR. COCHRAN:**

23 We'll mark this as "P-2."

24 **MR. COCHRAN:**

25 **Q** We'll be looking at both of these, but I

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1 Q What do you remember of conversations with
2 Captain Boudreaux about Mr. Pierce?

3 A I do recall -- like I said before, I recall
4 the sheriff saying he wanted to hire this
5 individual, Mr. Pierce. And, at some point
6 in time, I noticed that he was -- had an
7 issue at his prior place of employment -- I
8 think it was Abbeville Police
9 Department -- where there was an issue of
10 him -- it was in the newspaper I believe, or
11 media, where he had an issue there either
12 being a part of -- a weapon was fired into a
13 vehicle, and I don't recall exactly.

14 I haven't seen the article in while,
15 but -- and that's when I think that I
16 brought it to probably chief deputy's
17 attention, and then the sheriff's, and
18 Captain Boudreaux's attention I would guess
19 also. I don't remember speaking to him
20 specifically, but I want to say he probably
21 was part of that discussion at some point.

22 Q Do you know what time period in the
23 application process this occurred in, this
24 conversation with either the chief deputy or
25 the sheriff about the Abbeville incident?

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1 **A** I knew it had moved along and I wasn't aware
2 that he had -- to my recollection at the
3 time, I didn't -- I was not aware that he
4 was even brought before a hiring board.

5 **Q** Help me with that timeline. I didn't
6 understand what you just said.

7 **A** Well, through speaking with counsel, I
8 learned that he was actually brought before
9 a hiring board and at the time that I had
10 the discussion with the sheriff, that I had
11 realized the issue he had in Abbeville, I
12 don't think I -- I'm pretty sure I didn't
13 know that he was even brought before the
14 hiring board at that point.

15 So, I think he had already been brought
16 before the hiring board, but I was pretty
17 sure he had not been -- he hadn't received
18 any equipment to my knowledge, and I think
19 it was still along the hiring process. I
20 don't believe he was sworn in as a deputy
21 yet from what I understood.

22 **Q** Do you know how you came about learning
23 about the Abbeville incident?

24 **A** Yeah, I was looking -- I don't remember
25 specifically why. I may have been looking

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1 for something else, but I, you know, I
2 remember hearing about the incident and
3 looking it up for some reason.

4 I don't know if it was pertaining to
5 another applicant or someone else that they
6 were considering hiring, and that's when I
7 think I saw his name involved in that
8 incident, because I think there were more
9 than one officer -- there was more than one
10 officer involved in that particular
11 incident.

12 Q Looking it up, would that be on the Internet
13 or --

14 A Yes.

15 Q -- would that be --

16 A Googled it or whatever.

17 Q Googled.

18 A Not through any type of formal database or
19 anything.

20 Q So, you read about the Abbeville incident.
21 What about that was a concern for you, or
22 was it a concern for you?

23 A Yeah, it was a concern because I think he
24 was terminated from what I understood, or,
25 at least, I think, from what I can recollect

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1 in the article, plus, I mean, the issue
2 seemed like it was a pretty serious issue
3 that wasn't disclosed to myself or -- and
4 the sheriff at the time that I brought it up
5 to him was not made aware of it, nor was the
6 chief deputy, or the attorney, Steve
7 Elledge. None of us were made aware of it.

8 Q Steve Elledge, what is his role with the
9 department?

10 A He's the attorney for the sheriff's office.

11 Q Do you recall any of the -- stepping back
12 just a little bit.

13 A Uh-huh.

14 Q You had a conversation with the sheriff
15 about hiring Mr. Pierce and that's how it
16 all started --

17 A Right.

18 Q -- from what you remember?

19 A Right.

20 Q Do you remember any specifics about that
21 other than just that the sheriff wanted him
22 to be looked at to be hired, or did the
23 sheriff say I know him because of this, or I
24 heard about him through this person?
25 Anything like that?

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1 I think he's the one that had mentioned the
2 guy's name to me also.

3 Q Toby Hebert knew Brannon or knew the state
4 police officer?

5 A No. The trooper.

6 Q The trooper?

7 A Yeah, I think, from what I can recollect.

8 Q And they had recommended Mr. Pierce --

9 A Right.

10 Q -- for employment?

11 A Right.

12 Q So, you, through the Internet, learn of the
13 Abbeville incident?

14 A Uh-huh.

15 Q Take me through what you did after you
16 learned of that Abbeville incident?

17 A Oh, I immediately went to the chief deputy,
18 who, I think -- we then brought it to the
19 sheriff's attention. I think the chief
20 deputy and then Steve Elledge, and then I
21 think we brought it to the sheriff's
22 attention.

23 Q The chief deputy is who?

24 A I think it was Russell Hebert at the time,
25 if I remember correctly.

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1 A No.

2 Q Once the Personnel Action Request is signed
3 by all necessary parties, what is the
4 employment status of Mr. Pierce?

5 A I think it's still provisional. There's a
6 process for getting sworn in, and there may
7 be some other steps that Tessie and -- that
8 the other individuals have for that
9 applicant, but, I -- yeah, they have not
10 been sworn in yet at that point, I don't
11 believe.

12 Q Okay.

13 A I think they may be made an offer also.

14 Q What's the next --

15 A Tessie --

16 Q Okay.

17 A -- Tessie may contact them.

18 Q What's the next step that takes place with
19 the employee after the Personnel Action
20 Request is signed?

21 A I think Tessie notifies them. I wouldn't
22 contact them. And they were offered a
23 conditional offer of employment. Then I
24 think they are required to take a physical
25 as per the retirement system. LSA.

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1 sheriff to -- you know, he wanted to hire
2 this individual, so that was, you know,
3 what, you know, we went through the process
4 of doing, you know, as far as what I'm
5 concerned, you know, my part of it with all
6 the background information.

7 And, at that point, when I learned of
8 the issue in Abbeville, that's when I
9 brought it to the sheriff and the chief
10 deputy's attention because of the
11 seriousness of the incident, so, yeah, the
12 incident that occurred.

13 **Q** And so, from a timeline standpoint, bringing
14 the Abbeville incident to the attention of
15 the sheriff would have been after the
16 sheriff signed, on 4/4/12, the Personnel
17 Action Request?

18 **A** I don't recall. I couldn't give you a
19 timeline. I would assume so. All I knew at
20 the time that he was not technically hired
21 yet, because I think I asked what step of
22 the process he was in, and I don't recall,
23 but I knew he had not been sworn in from
24 what I can remember.

25 **Q** What was done after bringing it to the

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1 sheriff's attention about the Abbeville
2 incident? What was the next step and who
3 took it?

4 **A** I'm pretty sure the sheriff -- from the best
5 I can recollect, the sheriff said he did not
6 want to hire this guy, couldn't hire this
7 guy. I think he consulted with the chief
8 deputy and the attorney, and we both
9 recommended to him that this was a serious
10 incident and this guy probably would not be
11 a good individual to hire.

12 That was our opinion and the sheriff
13 could do whatever he wanted to do, but
14 that's what my opinion was to him, and I
15 think the others concurred with that.

16 **Q** Was this is a joint meeting amongst you,
17 chief deputy, and the attorney, and the
18 sheriff?

19 **A** Yeah. I think I brought it to the chief
20 deputy's attention and then we contacted the
21 attorney whose office was next door, then we
22 walked into the sheriff's office from what I
23 can remember. I think he was there that
24 day.

25 **Q** So, the four of y'all talked about it?

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1 the shooting incident with Mr. Pierce?

2 A No, I didn't.

3 Q Do you know if anybody did?

4 A I don't recall. I take that back. I may
5 have spoken -- I can't remember if it was
6 myself or someone else spoke to the chief or
7 another individual at the department and
8 basically I think we were advised that the
9 city council, if I can remember correctly,
10 was the deciding factor in his termination
11 over there. But, I think -- I can't recall
12 who it was, but I'm pretty sure we did
13 follow up with someone with that department.

14 Q And when you said you may have spoken or
15 someone --

16 A Someone, yeah.

17 Q -- may have spoken to the chief in
18 Abbeville --

19 A I think so. We spoke to someone. I'm
20 pretty sure someone spoke to one of the
21 representatives over there. If it wasn't
22 myself, it would have been someone else.
23 Maybe Captain Boudreaux. I don't recall.

24 But I'm pretty sure we did follow up
25 because I remember the response -- I

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1 thought -- I remember is that it was an
2 issue that was brought before the city
3 council and they -- that was the deciding
4 factor for his termination.

5 Q From a timing standpoint, do you know if
6 that contacting of the chief of police in
7 Abbeville occurred before the meeting of you
8 four guys --

9 A That would have occurred after.

10 Q -- or afterwards? It was after?

11 A Yeah. I'm pretty sure it would have
12 happened after.

13 Q After either speaking to the Chief of Police
14 of Abbeville or learning from someone that
15 did, did the four of you have another
16 meeting to discuss Mr. Pierce's employment?

17 A I don't recall. I don't recall. I would
18 imagine we would have, but I can't
19 specifically recall that. I definitely
20 recall the initial instance when I brought
21 it to their attention.

22 Q That initial incident with the four, did the
23 sheriff, at that meeting, say Captain Turner
24 send the letter, or did he instruct you to
25 further investigate, or how did that

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1 MR. COCHRAN:

2 Q The medical exam forms that would then come
3 back from Teche Occupational Medicine would
4 go where? To whom?

5 A Either Tessie or Pam.

6 Q Would you routinely see those?

7 A No.

8 Q When they would come to either Pam or
9 Tessie, what were the instructions that Pam
10 and Tessie were given as to what they were
11 supposed to do with those documents?

12 A I think they would file them, you know.
13 I mean, that was -- that would all have to
14 do with the retirement system and the
15 sheriff's association. Yeah. I think there
16 was something in our system -- I can't
17 remember what the actual system was called,
18 but they would have to enter that -- input
19 that information.

20 Q In the experience that you had in the HR
21 department at Iberia Parish Sheriff's
22 Office, were there occasions where an
23 applicant would be provisionally hired and
24 then go to get a physical and the person did
25 not pass the physical in order to do the

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1 job? Do you ever remember that?

2 A I don't recall that ever being a factor.
3 We have had individuals with health issues,
4 cancer, and things like that. I don't
5 remember. I don't recall something like
6 that being a deciding factor in their
7 employment.

8 Q Let me show you "P-6." The medical
9 recommendation is dated April 11, 2012, and
10 the doctor sign off is dated April 11, 2012,
11 and then the employee examination results
12 are dated April 16, 2012. I just wanted to
13 see if you can confirm that.

14 A Just going -- this date?

15 Q Yeah, yeah.

16 A Yeah, I've never seen it before.

17 Q So, those would be documents that you have
18 never seen before?

19 A No, I've never seen these before.

20 Q What happens with those documents, and I
21 think you testified that Tessie would have
22 just -- Tessie or Pam --

23 A Uh-huh.

24 Q -- would have filed them into the employee's
25 file?

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1 that I can recall, an issue as to a person
2 not being hired because of their medical
3 status or health status.

4 **Q** So, an easier way to say that is, you don't
5 ever remember somebody not being hired
6 because they failed the physical? In other
7 words, if they went to get the
8 physical -- it may have happened before you
9 were HR -- but as far as when you were HR,
10 do you remember anybody ever being not hired
11 because of the physical?

12 **A** I don't recall. I don't recall. Nothing
13 stands out. I'm not saying it's not
14 possible. Maybe if someone -- you know, I
15 don't know if an extreme issue came up, you
16 know. I don't know. I don't recall.

17 **Q** You just don't recall any of those?

18 **A** No. Nothing that stands out that they would
19 not have been because of that.

20 **Q** Do you remember any conversations you had
21 with the sheriff in regards to the Abbeville
22 incident where the sheriff made any -- or
23 anybody in that meeting made any comment in
24 regards to why that Abbeville situation was
25 a concern for hiring Mr. Pierce?

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1 **A** Yeah. From what we understood -- from what
2 I can recall -- from what we understood, it
3 was a serious issue. That was a huge
4 liability to employ someone involved in an
5 incident of that type. I mean, at least
6 that's what I tried to convey to the sheriff
7 and I think also the chief deputy and the
8 counsel. And, ultimately, it's his decision
9 if he wants to hire someone or not hire
10 someone.

11 **Q** Is there a mechanism that you can think of
12 in order to determine when that meeting was
13 between the three individuals and the
14 sheriff in regards to the Abbeville
15 situation?

16 **A** It was a sunny day. That I can remember.
17 I can't even remember if it was cold or hot
18 outside. I don't recall. I just remember
19 going to the chief deputy at the time.

20 **Q** Was there any calendar that you know of that
21 was kept by the sheriff as to any and all
22 appointments that were made on any given
23 day, or who he spoke to --

24 **A** No, I can't --

25 **Q** -- that you know of?

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1 **A** Provisionally --

2 **Q** Provisionally.

3 **A** -- from what I understood. Yes.

4 **Q** And provisionally hired if they pass a
5 physical exam, correct?

6 **A** Sure. I mean, but, you know, and
7 this -- the sheriff can choose not to hire
8 someone or terminate someone at any time,
9 and it was my understanding that the
10 incident that occurred in Abbeville, that
11 was the reason for him not either hiring him
12 or if he had even been hired he probably
13 would have terminated him at that point due
14 to the seriousness of this allegation.
15 Again, I'm assuming this, but that was my
16 understanding of how serious he took this
17 issue.

18 **Q** Have you had any conversations with anyone
19 on the hiring board that was involved with
20 Mr. Pierce's interview at all?

21 **A** Other than counsel, no. I hadn't -- again,
22 I didn't know until today or maybe I spoke
23 with Steve Elledge about it, but I didn't
24 know at the time definitely that it was a
25 hire -- even a hiring board called on his

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1 behalf or he was brought up by the hiring
2 board.

3 **Q** Do you know whether or not the Abbeville
4 incident was fully discussed and fully
5 inquired during the hiring board?

6 **A** I don't know.

7 **Q** Don't know?

8 **A** No. I don't know anything that was
9 discussed or it was never brought to my
10 attention, you know.

11 **Q** Back when you learned via the Internet about
12 the Abbeville incident, you did not ask
13 anybody on the hiring board -- because you
14 didn't know about it, is that --

15 **A** No, I didn't know about it.

16 **Q** -- that's your testimony?

17 **A** No, no, no.

18 **Q** You didn't know about it?

19 **A** No, I assumed that no one knew about it.
20 I was under the assumption that no one knew
21 of this incident and definitely that's the
22 impression I got from the chief deputy,
23 Steve Elledge, and the sheriff.

24 **Q** What about Captain Boudreaux? What did
25 you --

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1 **A** I don't believe I've ever utilized this
2 form. I'm not saying it wasn't in our
3 policy, but I don't recall using this form.

4 **Q** Do you know, as part of Tess and Pam's
5 duties, that they take the application and
6 call past employers at all? Do you know if
7 that was part of their duties?

8 **A** Not typically. Sometimes -- maybe on
9 occasion, but, typically, I would say no.

10 **Q** Because we know that Tess and/or Pam would
11 make sure that the Pre-Employment Background
12 Investigation Checklist was done, right?

13 **A** Right, right, right.

14 **Q** It's labeled "Pre-employment Background
15 Investigation Checklist," is this more or
16 less a criminal background check, or
17 employment background check, or --

18 **A** Yeah, it's an employment. Yeah, an
19 employment which includes the criminal
20 background.

21 **Q** These types of record checks and columns on
22 the left side of the form that's referenced
23 as "P-3," the pre-employment background
24 check, do you know what all those initial
25 stand for?

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1 A The acronyms?

2 Q Yeah. Yeah.

3 A Yeah. In NCIC, FBI database to check for
4 any type of criminal history. NCIC would
5 be, like, a fingerprint. CCH, another
6 criminal history, Office of Motor Vehicles,
7 warrants. A NCIC warrant would be a
8 nationwide type warrant if he warrants by
9 the States. Those type things.

10 Q Is there any information on there in regards
11 to past employers --

12 A No.

13 Q -- on that form?

14 A Uh-uh.

15 Q Was there any specific instruction, by
16 either yourself or anyone higher up in the
17 organizational chart, where the prior work
18 experience was supposed to be checked by
19 someone in the HR Department?

20 A In his case, we were told by Sheriff Ackal
21 to hire this -- hire Mr. Pierce, so, we went
22 through the process just to ensure this.
23 You know, at that point, we were pretty much
24 going off of what the sheriff told
25 us -- that he wanted to hire this

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1 individual.

2 So, no background -- no pre-employment
3 was -- I didn't contact him. I didn't feel
4 I needed to contact him because Sheriff
5 wanted to hire this guy. It was only when I
6 saw this article that I felt that I needed
7 to bring this to Sheriff Ackal's attention
8 because I was pretty sure he wasn't aware of
9 it.

10 Q And when you did bring it to the
11 attention -- I don't think I asked you
12 whether or not Sheriff Ackal was or
13 expressed to you whether or not he was aware
14 of the Abbeville incident or not?

15 A It was -- under my impression he was not
16 aware. Yeah. I didn't get the impression
17 that he definitely didn't know about it, you
18 know. I won't say definitely. I don't know
19 what he knew or didn't know, but it was my
20 impression that he didn't know. For sure,
21 he definitely took it serious.

22 Q What actions or statements led you to make
23 that assumption?

24 A I don't recall specifically. I just kind of
25 recall his demeanor, which I think was

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1 sheriff --

2 **A** Yes.

3 **Q** -- the chief, and Steve Elledge about the
4 Abbeville incident.

5 **A** Yes.

6 **Q** When that meeting took place -- let's start
7 with you. Did you have any knowledge about
8 Mr. Pierce's medical status whatever it may
9 have been at the time of that meeting?

10 **A** I don't recall the timeline. I don't
11 recall. I don't know. I don't remember
12 that being part of the discussion when we
13 discussed --

14 **Q** And, thank you, that was my question. So,
15 the discussion about the Abbeville incident,
16 was it your recollection -- was there any
17 discussion of Mr. Pierce's medical status
18 during that meeting?

19 **A** No. I don't recall us discussing that
20 instance.

21 **Q** Okay.

22 **A** When I say -- you know, I know for a fact
23 that chief deputy was with myself when we
24 brought it to the sheriff's attention. I'm
25 pretty sure Steve Elledge would have been