

FIFTHTEENTH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE
STATE OF LOUISIANA

THE INDEPENDENT WEEKLY, L.L.C.

VERSUS

LAFAYETTE CITY MARSHAL BRIAN POPE

DOCKET NO: C-2015-5737

DIVISION: B

STIPULATION OF TESTIMONY
FOR
LAFAYETTE CITY MARSHAL BRIAN POPE

By agreement of the parties confirmed by their signatures below, it is stipulated that this narrative of Marshal Pope's testimony shall be filed into the Clerk of Court's record for this proceeding and admitted for consideration the same as if Marshal Pope had been sworn and testified in open court.

Name

Q: What is your name?

A. Lafayette City Marshal Brian Pope.

Troyce Thorla

1) Do you know Troyce Thorla?

a. On the advice of counsel, I invoke my Fifth Amendment privilege.

2) In the matter of Troyce W. Thorla vs. Mark Garber, regarding the opening of Mark Garber's sealed divorce records, did you approach Mr. Thorla and collaborate with him to initiate the suit?

a. On the advice of counsel, I invoke my Fifth Amendment privilege.

- 3) Did you and David Prejean meet with Troyce Thorla to advise him of your support of Chad Leger for Lafayette Parish Sheriff and your belief that a civil action against Mark Garber about his recently filed divorce proceeding would discredit Mark Garber and provide a benefit to the Chad Leger Campaign?
 - a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 4) Did you tell Troyce Thorla that you believed there to be a CD in the sealed Mark Garber divorce proceeding which held a video that could prove to be damaging to Mark Garber's campaign for Sheriff of Lafayette Parish?
 - a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 5) Did you collaborate with Troyce Thorla for him to personally file the civil action in an attempt to discredit Mark Garber and negatively impact his campaign for Sheriff of Lafayette Parish?
 - a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 6) Did Troyce Thorla advise you that he had no attorney and could not afford the cost of filing the proceeding?
 - a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 7) Did you advise Troyce Thorla that you would arrange for the legal documents to be prepared by attorneys at the law office located at 109 Stewart Street, Lafayette, LA?
 - a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 8) Was the law office of your attorney of record, Charles Middleton, in this proceeding in the month of November, 2015 located at 109 Stewart Street, Lafayette, LA.
 - a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*

- 9) Did you direct Troyce Thorla to go to the law office located at 109 Stewart Street, Lafayette, LA, to obtain an envelope containing the prepared legal documents for filing with the Lafayette Parish Clerk of Court?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 10) Is Charles Middleton the attorney located at 109 Stewart Street who you requested prepare the Troyce Thorla legal documents for filing in the Mark Garber divorce proceeding?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 11) Did the Lafayette City Marshal cost account pay Charles Middleton for the preparation of a *pro se* motion to be filed by Troyce Thorla to unseal the record of the Mark Garber divorce proceeding?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 12) Has Charles Middleton subsequently reimbursed the Lafayette City Marshal cost account for the costs associated with the preparation of a *pro se* motion to be filed by Troyce Thorla to unseal the record of the Mark Garber divorce proceeding?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 13) Did you personally provide to Troyce Thorla the money required for filing the documents with the Lafayette Parish Clerk of Court to initiate the suit?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 14) Following Mark Garber's election as Sheriff of Lafayette Parish, did Troyce Thorla speak to you on numerous occasions about his wish to discontinue the suit and how to discontinue it?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*

- 15) Did you continually advise Troyce Thorla that the proceedings could not be stopped?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 16) Did you advise Troyce Thorla to continue with the proceeding to the conclusion so as to determine the contents of Mark Garber's personal divorce records?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 17) Did Troyce Thorla attend the proceedings against Mark Garber to open the sealed record of his divorce and report the outcome to you?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 18) Have you read the Affidavit of Troyce W. Thorla dated April 5th, 2016?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 19) Is the Affidavit of Troyce W. Thorla true?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*

Middleton Invoices - November, 2015

- 20) Were the discussions that you had with Charles Middleton about "Redmond" in November, 2015, official business of the Lafayette City Marshal's office?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 21) Did you authorize payment from the Lafayette City Marshal cost account for the Charles Middleton invoice dated November, 2015 in the amount of \$2,560.00?
- a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 22) The November 10, 2015 invoice entry for Charles Middleton states "...draft proposed Motion content for Mr. Redmond." Is the "Redmond" referenced in that billing entry actually referring to Troyce Thorla?

a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*

23) Did you discuss the identity of “Redmond” with Middleton prior to authorizing payment of his November, 2015, invoice?

a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*

24) Did you discuss the “proposed Motion content for Mr. Redmond” with Charles Middleton before authorizing payment of his invoice for that service?

a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*

25) The November 12, 2015 entry for Charles Middleton states “Conference with Brian to discuss motion for Mr. Redmond”. Did that conference relate to the Troyce Thorla legal documents filed by Troyce Thorla in the Mark Garber divorce proceeding?

a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*

26) The November 16, 2015 entry for Charles Middleton states “Draft motion: text conference with Brian re motion.” Does that billing entry refer to the legal documents filed by Troyce Thorla in the Mark Garber divorce proceeding?

a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*

27) The November 17, 2015 entry for Charles Middleton states “Revise draft of motion; legal research for motion; conference with Brian re motion and Indy filing at 15th JDC.” Does that billing entry refer to the legal documents filed by Troyce Thorla in the Mark Garber divorce proceeding?

a. *On the advice of counsel, I invoke my Fifth Amendment privilege.*

Unreasonable, Arbitrary and Capricious Refusal

- 28) What personal actions have you taken to obtain the Campaigner email list from Chad Leger or Joe Castille which was utilized to distribute your October 6 and 7, 2015 press conference advisory and press release?
- a. On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 29) Have you authorized the payment of attorney fees and costs from the Lafayette City Marshal cost account for each of the six attorneys you have retained for your civil and criminal defense of this public records action?
- a. On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 30) Have you secured the Office of the Lafayette City Marshal to reimburse the more than \$105,000.00 that have been paid to your civil and criminal attorneys from the City Marshal cost account in the event that your civil appeal and your criminal contempt writ are denied by the appellate courts?
- a. On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 31) Have you authorized the deposit of \$168,000.00 of Lafayette City Marshal funds to a commercial collateral account pledged to secure the suspensive appeal bond for your pending civil appeal?
- a. On the advice of counsel, I invoke my Fifth Amendment privilege.*
- 32) Have you secured the Office of the Lafayette City Marshal to reimburse the \$168,000.00 paid from the City Marshal cost account for your suspensive appeal bond in the event that your suspensive civil appeal is denied by the appellate courts?
- a. On the advice of counsel, I invoke my Fifth Amendment privilege.*

33) Do you intend to pay the public records penalties personally or will you use funds from the Office of the Lafayette City Marshal to do so?

a. On the advice of counsel, I invoke my Fifth Amendment privilege.

34) Do you intend to continue to pay all of the expenses for your civil and criminal defense from the Lafayette City Marshal cost account?

a. On the advice of counsel, I invoke my Fifth Amendment privilege.

35) Do you intend to file personal bankruptcy rather than reimburse the Office of the Lafayette City Marshal for the funds that you have authorized to pay your attorneys, costs, penalties and awards to The Independent?

a. On the advice of counsel, I invoke my Fifth Amendment privilege.

Signed on this 27th day of August, 2016 before the undersigned Notary Public.

Lafayette City Marshal Brian Pope

Kevin Stockstill
Notary Public