

FAX #: 337-369-9397

August 1, 2010

Honorable Anne Lennan Simon, Judge Ad Hoc
1705 Loreauville Road
New Iberia, Louisiana 70563

RE: Succession of Peggy Marie Traylor
#41,291, 5th JDC, Franklin Parish, La

Judge Simon,

Justice Traylor's(Ret.) most recent filing—**Supplemental and Reply Brief---** seeks a “protective order”. A protective order should not be granted for reason set forth below.

A protective order may be granted only upon a showing of “good cause”. La. CCP, art. 1426. This codal article specifically limits a court’s authority to impose a protective order when the public interest may be negatively impacted. Specifically, a protective order may not be imposed by a court if it “ *...relates to information which may be useful to members of the public in protecting themselves from injury that might result from such public hazard, unless such information or material sought to be protected is a trade secret or other confidential research, development, or commercial information.*” La. CCP, art. 1426(c.).

Justice Traylor(Ret) has filed his Notice of Candidacy for election as United States Senator from Louisiana. The citizens of this State have a heightened interest in information about Justice Traylor(Ret.) due to his candidacy. Justice Traylor(Ret.) has surrendered significant privacy rights when he filed his Notice of Candidacy. Plaquemines Parish Commission Council v. Delta Development Company, 472 So.2d 560,567(La. 1985)(“ *..., public officials do, by virtue of undertaking public office, surrender “the privacy*

secured by law for those who elect not to place themselves in the public spotlight.” Our Supreme Court went on to observe “ The law has not affirmed a right of public officials to financial privacy. In recent history the voluntary and involuntary disclosure of personal finances has increased and begun at the moment a person declares himself or herself a candidate for election to public office”. Ibid, p. 567. Justice Traylor, by filing his Notice of Candidacy, surrendered significant privacy interests, particularly those involving any interest in which a voter may have a legitimate interest. The information sought to be maintained as private by Justice Traylor(Ret) may be very useful to members of the public in deciding how to cast their vote for United States Senator.

The protective order should be **denied**.

Respectfully,

THEUS, GRISHAM, DAVIS & LEIGH, LLP
1600 Lamy Lane
Monroe, Louisiana 71201
318-388-0100
318-323-8813 (fax)



Paul D. Spillers

Attorney for Independent Co-Administrators, Fred Ryan Ellington
and Noble Edward Ellington, III

CERTIFICATE OF SERVICE

I certify that a copy of this letter has been served upon Mr. Brady King, attorney for Justice Chet Traylor(Ret) by faxing and emailing a copy to him on this 1st day of August, 2010.

Monroe, Louisiana.

