

DONALD L. ESSMEIER, DALTON  
E. CRUSE AND JAMES SCHMIDT

: SECOND JUDICIAL DISTRICT COURT

VS. NO. 32,584


: PARISH OF JACKSON

TOWN OF JONESBORO,  
HONORABLE LESLIE THOMPSON,  
AS MAYOR AND INDIVIDUALLY,  
HONORABLE LASTEVIC COTTONHAM,  
AS TOWN COUNCILMAN AND  
INDIVIDUALLY, HONORABLE DEVIN  
FLOWERS, AS TOWN COUNCILMAN  
AND INDIVIDUALLY, HONORABLE  
CHARLA THOMPSON, AS TOWN  
COUNCILWOMAN AND INDIVIDUALLY

: STATE OF LOUISIANA

**FILED**

OPPOSITION TO SUPPLEMENTAL  
ANSWER TO PARAGRAPH 4

MAR 27 2012  
BY   
LAURA CULPEPPER, DY. CLERK

In opposition to the answer to paragraph 4, DONALD L. ESSMEIER, DALTON E. CRUSE and JAMES SCHMIDT show and aver as follows:

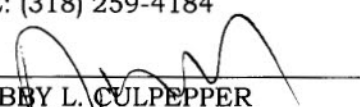
Defendants now take the position, unsupported by fact or fiction, that some way they have perfected a suspensive appeal. The record does not show that they filed for a suspensive appeal, posted a suspensive appeal bond or anything in connection with a suspensive appeal. In fact, the record shows that after the matter was remanded to the District Court for the perfection of an appeal of some nature, that they did nothing. The Clerk of Court, trying to act in accordance with the remand to District Court, filed a Notice of Appeal which did not indicate what type of appeal it was because there was nothing in the record by which the Clerk's office could determine the type of appeal. The Court of Appeal specifically stated that it did not dismiss the appeal because it could be maintained, without a suspensive appeal bond, as a devolutive appeal.

It is interesting to note that originally defendants admitted that "the Court of Appeal allowed the appeal to continue as a devolutive appeal."

Again, defendants cite no statutory nor jurisdictional support for their position and said affirmative defense should be summarily overruled and/or denied.

Respectfully submitted,

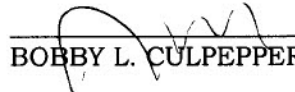
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JONESBORO, LOUISIANA 71251  
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BY:   
BOBBY L. CULPEPPER  
BAR ROLL #4646

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been mailed, this date, to Mrs. Carol D. Powell-Lexing, Attorney at Law, 141 DeSiard Street, Suite 806, Monroe, Louisiana 71201 and Mr. Louis Scott, Attorney at Law, 510 Pine Street, Monroe Louisiana 71210.

Jonesboro, Louisiana, this the 27<sup>th</sup> day of March, 2012.

  
BOBBY L. CULPEPPER