SUPREME COURT OF LOUISIANA
WRIT APPLICATION FILING SHEET

NO._____

TO BE COMPLETED BY COUNSEL or PRO SE LITIGANT FILING APPLICATION

TITLE

PAUL MACLEAN
VS.
G. TIM ALEXANDER, III, ET AL

Applicant: PAUL MACLEAN
Have there been any other filings in this Court in this matter? ☐ Yes ☑ No

Are you seeking a Stay Order?____
Priority Treatment?____
If so you MUST complete & attach a Priority Form

LEAD COUNSEL/PRO SE LITIGANT INFORMATION

APPLICANT:
Name: PAUL MACLEAN
Address: POST OFFICE BOX 3620
HOUMA, LOUISIANA 70361
PhoneNo. 985.868.4963 Bar Roll No. PRO SE

RESPONDENT:
Name: PAUL MACLEAN
Address: POST OFFICE BOX 3620
HOUMA, LOUISIANA 70361
PhoneNo. 985.868.4963 Bar Roll No. PRO SE

Pleading being filed: ☑ In proper person, ☐ In Forma Pauperis
Attach a list of additional counsel/pro se litigants, their addresses, phone numbers and the parties they represent.

TYPE OF PLEADING

☐ Civil, ☐ Criminal, ☐ R.S. 46:1844 protection, ☐ Bar, ☐ Civil Juvenile, ☐ Criminal Juvenile, ☐ Other
☐ CINC, ☐ Termination, ☐ Surrender, ☐ Adoption, ☐ Child Custody

ADMINISTRATIVE OR MUNICIPAL COURT INFORMATION

Tribunal/Court:_____ Docket No._____
Judge/Commissioner/Hearing Officer:_____ Ruling Date:_____

DISTRICT COURT INFORMATION

Parish and Judicial District Court: ST. MARY PARISH - 16TH JUDICIAL DISTRICT Docket Number: 103,096
Judge and Section: KEITH COMEAUX Date of Ruling/Judgment: 10.30.2001

APPELLATE COURT INFORMATION

Circuit: FIRT Docket No. 2003-CA-1162 Action: APPEAL DISMISSAL AFFIRMED - MOTIONS DENIED
Applicant in Appellate Court: PAUL MACLEAN Filing Date: 08.03.2001
Ruling Date: 05.09.2003 Panel of Judges: PETTIGREW, FITZSIMMONS AND GUIDRY En Banc: ☐

REHEARING INFORMATION

Applicant: PAUL MACLEAN Date Filed: 05.23.2003 Action on Rehearing: DENIED
Ruling Date: 07.07.2003 Panel of Judges: PETTIGREW, FITZSIMMONS AND GUIDRY En Banc: ☐

PRESENT STATUS

☐ Pre-Trial, Hearing/Trial Scheduled date:_____, ☐ Trial in Progress, ☐ Post Trial

Is there a stay now in effect? NO Has this pleading been filed simultaneously in any other court? NO

If so, explain briefly TRANSMITTED COPY TO DISTRICT COURT AND COURT OF APPEAL

VERIFICATION

I certify that the above information and all of the information contained in this application is true and correct to the best of my knowledge and that all relevant pleadings and rulings, as required by Supreme Court Rule X, are attached to this filing. I further certify that a copy of this application has been mailed or delivered to the appropriate court of appeal (if required), to the respondent judge in the case of a supervisory writ, and to all other counsel and unrepresented parties.

AUGUST 1, 2003
DATE

SIGNATURE

APPELLEE/DEFENDANT:
G. Tim Alexander, III, Attorney
First National Bank Towers
600 Jefferson Street
Box 86, Suite 502
Lafayette, Louisiana 70508
Telephone No.: 337.266.2176

COUNSEL FOR G. TIM ALEXANDER, III:
James H. Gibson, Attorney
Allen & Gooch
1015 St. John Street
Post Office Drawer 3768
Lafayette, Louisiana 70502-3768
Telephone No.: 337.291.1000

COUNSEL FOR COREGIS INSURANCE COMPANY
Daniel A. Rees, Attorney
Rees and Rees
432 East Bridge Street
Breaux Bridge, Louisiana 70517-4604
Telephone No.: 337.507.3455

District Judge Keith Comeaux
Sixteenth Judicial District Court
Courthouse Building - Suite 210
300 Iberia Street
New Iberia, Louisiana 70560-4585
Telephone No.: 337.369.4410

Ms. Christine L. Crow, Clerk
Court of Appeal, First Circuit
1600 North Third Street
Post Office Box 4408
Baton Rouge, Louisiana 70821-4408
Telephone No.: 225.342.1500

WRIT APPLICATION
TO THE
SUPREME COURT OF LOUISIANA

Prepared and filed Pro Se by the Appellant:

Paul Maclean

Pertaining to:

State of Louisiana

16th Judicial District Court

St. Mary Parish

Civil Case Docket No. 103,096

Titled:

PAUL MACLEAN (Plaintiff)

VS.

G. TIM ALEXANDER, III,
MOUTON & ALEXANDER AND
COUREGIS INSURANCE COMPANY (Defendants)

Presiding District Judge:
Keith Comeaux

APPELLANT/PLAINTIFF:
PAUL MACLEAN
Post Office Box 3620
302 Church Street
Houma, Louisiana 70361
Telephone: 985.868.4963

COUNSEL FOR APPELLEE/DEFENDANT
G. TIM ALEXANDER, III:
Allen & Gooch
James H. Gibson
1015 St. John Street
Post Office Drawer 3768
Lafayette, Louisiana 70502-3768
Telephone: 337.291.1000

COUNSEL FOR APPELLEE/DEFENDANT
COREGIS INSURANCE COMPANY:
Daniel A. Rees
Rees and Rees
432 East Bridge Street
Breaux Bridge, Louisiana 70517-4604
Telephone: 337.507.3455

INDEX

APPENDIX

WRIT APPLICATION

NOW BEFORE THIS HONORABLE COURT COMES, Paul Maclean, the appellant/plaintiff to file a writ application in accordance with supreme court rules because errors have occurred in lower courts under this court's jurisdiction. This honorable court offers a remedy when there has been a gross departure from proper judicial proceedings and there has been erroneous interpretation or application of the constitution and/or there are significant unresolved issues of law at stake and/or undecided.

PRAYER

WHEREFORE, PAUL MACLEAN, the appellant/plaintiff prays that this honorable court will consider the supporting memorandum, the appeal court record, all district court filings and any other additional documents or information useful to its consideration and the granting of this application and will take all prudent actions necessary to exercise its supervisory jurisdiction over those lower courts, their wrong decisions and correct their errors.

SUBMITTED BY:

PAUL MACLEAN

MEMORANDUM IN SUPPORT OF THE WRIT APPLICATION

NOW BEFORE THIS HONORABLE COURT COMES, Paul Maclean, the appellant/plaintiff to file a memorandum in support of the writ application regarding the subject litigation and appeal.

STATEMENT OF THE CASE

A lawsuit was first filed in May of 1998 in Terrebonne Parish by Paul Maclean, appellant/plaintiff, against G. Tim Alexander, III, Mouton & Alexander and Coregis Insurance Company (Docket No. 122241). Judge Paul R. Wimbish wrongly dismissed that lawsuit in 1998. Nevertheless, the record was copied and timely refiled in St. Mary Parish (Docket No. 103,096). Judge Anne L. Simon presided until she retired on July 3, 2001. She was replaced by Judge Keith Comeaux.

Commencing in March of 1993, Mr. G. Tim Alexander, III, while a member of the law firm of Mouton & Alexander, represented the plaintiff, Paul Maclean and an elderly widow (Mrs. Joseph A. Blanchard [Betty Blanchard], co-plaintiff), in a 1986 oil, gas and environmental litigation titled, "Betty D. Blanchard et al vs. ARCO et al" filed in St. Mary Parish, Louisiana (Docket No. 77,796). The two litigations against Mr. Alexander have centered on his wrongful actions and/or inactions with regard to that 1986 oil, gas and environmental litigation.

The law firm of Mouton & Alexander was dismissed from the present litigation by Judge Simon. Mr. Alexander and Coregis Insurance Company remain as defendants.

On February 23, 2001 the transcript of a February 21, 2001 hearing was transcribed by the court reporter (Ms. Lisa DeCourt) with material words selectively excluded from the transcript.[1]

---

[1] Appendix item No. 1 - Application for a Supervisory Writ to the First Circuit Court of Appeal filed November 21, 2001 **(Exhibit 11 - Affidavit of Nancy Blanchard dated September 4, 2001).**

Appendix item No. 2 - Motion and Order to Supplement the Appeal Record **(Exhibit A - Affidavit dated June 26, 2002)**

Through March of 2001 the appellant/plaintiff attempted to get copies of the tape(s) of the February 21, 2001 hearing (and the previous hearing) from the district court. No tape(s) were ever supplied.

On or about March 19, 2001, after knowing that third parties were aware of the incorrect transcript, Ms. DeCourt distributed unsigned copies of that transcript for use by the appellees/defendants and/or their counsels of record.

On or about March 19, 2001 the appellees/defendants and/or their counsels of record commenced to unilaterally use incorrect (and unsigned copies) of that February 21, 2001 hearing transcript to make and/or deliver filings, discover documents, hold a deposition, call hearings and argue to facilitate an "expedited" hearing just prior to Judge Simon's retirement on July 3, 2001.

On April 6, 2001 the appellant/plaintiff notified the district court of errors and mandated the court to produce tapes of relevant hearings. The counsels of record were advised of the errors by certified mail and that notice and mandate was filed in the trial court record.

On May 24, 2001 Judge Simon executed a judgment dismissing the litigation "without prejudice" - **without correcting the transcript or the trial record.**

On July 2, 2001 Judge Simon executed a judgment dismissing the litigation "with prejudice" - **without correcting the transcript or the trial record.**

On August 3, 2001 the appellant/plaintiff was granted an appeal by an order executed by Judge William D. Hunter.

On August 21, 2001 the St. Mary Parish Clerk of Court transmitted a cost estimate of $5,600.00 to copy the trial court record on appeal - **a trial record that was incorrect**.

On September 7, 2001 the appellant/plaintiff filed an application to reduce all costs to prepare the record on appeal including the fee of the court reporter.

On September 10, 2001 Judge Comeaux denied the appellant/plaintiff's application.

On September 28, 2001 the appellant/plaintiff filed a motion to appeal Judge Comeaux's denial.

On October 4, 2001 the opposing counsels filed a motion and order to dismiss the appeal.

On October 9, 2001 Judge Comeaux executed an order allowing the appellant/plaintiff fifteen (15) days (until October 24, 2001) to perfect an application for a supervisory writ.

On October 24, 2001 the appellant/plaintiff filed an application for a supervisory writ to the Court of Appeal, First Circuit.

On October 25, 2001 (in the face of the filed supervisory writ ordered by Judge Comeaux) a hearing was held before Judge Comeaux on the motion and order to dismiss the appeal filed by the opposing counsels on October 4, 2001.

On October 30, 2001 Judge Comeaux executed a judgement to dismiss the appeal because the appellant/plaintiff had failed to pay copy costs. Judge Comeaux considered the litigation "abandoned". **The transcript and the trial record remained incorrect.**

On November 7, 2001 the appellant/plaintiff filed a motion to reconsider, reverse judgment and stay all proceedings, pending the outcome of the first writ application. That motion was denied by Judge Comeaux.

On November 21, 2001 the appellant/plaintiff filed a notice of intention to file an application for a second supervisory writ to the Court of Appeal, First Circuit to overturn Judge Comeaux's dismissal dated October 30, 2001.

On February 11, 2002 the court of appeal remanded the matter back to St. Mary Parish with orders for Judge Comeaux to grant an appeal of his October 30, 2001 dismissal. (Judges Lanier, Parro and Claiborne)

On February 25, 2002 the court of appeal clarified the order of February 11, 2002. (Judges Lanier, Parro and Claiborne)

On October 17, 2002, after considering the required briefs and two motions, the court of appeal (Judges Kuhn, Downing and Gaidry) unanimously denied the appellees/defendant's motion to dismiss the appeal and by a 2 to 1 majority referred the motion to request the admission of additional facts and the motion to supplement the record to the merits of the appeal.

On May 9, 2003 the court of appeal (Judges Pettigrew, Fitzsimmons and Guidry) affirmed the dismissal of the appeal by the district court on October 25, 2001/October 30, 2001 on the theory that the litigation was "abandoned" due to nonpayment of the costs to copy the trial record. **The transcript and the trial record remained incorrect.**

On May 23, 2003 the appellant/plaintiff filed a motion to the court of appeal to rehear the matter and filed a motion for an "en banc" hearing due to issues of general public interest.

On July 7, 2003 the court of appeal denied the motion to rehear the matter (Judges Pettigrew, Fitzsimmons and Guidry) and Judge Fitzsimmons denied the motion for an "en banc" hearing. **The transcript and the trial record remained incorrect.**

ERRORS

The court of appeal cited Louisiana Code of Civil Procedure **Art. 2126. Payment of Costs** as the controlling article for dismissing the appeal. On page No. 6 of its decision, the court of appeal stated, **"The sole issue presented by this appeal is whether the trial court erred in ordering the dismissal of Mr. Maclean's suit on the grounds of abandonment due to Mr. Maclean's failure to pay the estimated appeal costs."** [2]

Failure to pay the estimated appeal costs was not the sole issue before the court of appeal. The district court's obligation to supply a correct trial record is a much greater substantive issue. The appellant/plaintiff's obligation to pay for a trial record can only fall from the district court's primary obligation to produce a correct trial record. Or said differently, **the district court's obligation to produce a correct trial record is far greater than the appellant/plaintiff's obligation to pay to copy an incorrect trial record.**

The errors of the court of appeal are clearly evidenced by text found in articles of the Louisiana Code of Civil Procedure.

---

[2] Appendix item No. 3 - Court of Appeal, First Circuit decision dated May 9, 2003.

Such as in:

Article 2132. Same; correction

> **" A record on appeal which is incorrect or contains misstatements, irregularities or informalities, or which omits a material part of the trial record, may be corrected even after the record is transmitted to the appellate court, by the parties by stipulation, by the trial court or by the order of the appellate court. All other questions as to the content and form of the record shall be presented to the appellant court.**
>
> **Official Revision Comments**
>
> **(a) The purpose of this article is to assure that the record on appeal is correct, irrespective of why or by whose fault it is found to be inaccurate. In all cases, the record should represent the truth.**
>
> **(b) Fed. Rule 75(h) has been followed in part, but the article is broader in that it allows the correction of irregularities and informalities as well as omissions and misstatements."**

Additionally, **Article 2161. Dismissal for irregularities of the Louisiana Code of Civil Procedure** in-part states,

> **"An appeal shall not be dismissed because the trial record is missing, incomplete or in error no matter who is responsible, and the court may remand the case either for retrial or for correction of the record."**

These articles must be most strictly construed when the errors in the trial record are imputable directly to the actions and/or inactions of the district court. The Louisiana Code of Civil Procedure does not envision or intend for the clerk of court to certify an incorrect trial record, an appellant to be compelled to pay for an incorrect trial record and/or a case to be dismissed with an incorrect trial record - **especially when the errors were due solely to the district court**.

The code envisions a trial record to be judicially sacred. The code demands that transcripts within that trial record shall be truthfully reported verbatim[3] and maintained by the court for use with the full trust and confidence of all the parties having any interest in that transcript/trial record. Hearing transcripts are meant to be the **"cold recitation of the actual words spoken"** [4] at hearings,

---

[3] "verbatim" defined in Webster's New Collegiate Dictionary as: **"in the exact words: word for word"**.

[4] As defined on the floor of the United States House of Representatives during the week of July 14, 2003.

depositions, etc. and correct transcripts and/or a correct trial record are imperative for due process and justice to be rendered. The trial record must speak truly or nothing else is true.

When the trial record is known (or even reasonably thought) to be incorrect or in error, there can be no other just action taken by any court but to correct the trial record. The code empowers and directs the court of appeal to correct an incorrect trial record. The code does not deny any case a truthful trial record nor limit the remedy in the event it is not truthful and correct.

Article 2132. comments in-part: **"In all cases, the record should represent the truth."** Additionally, that article in-part states that a trial record:

> **"... may be corrected even after the record is transmitted to the appellate court,..."**

Article 2161. of the code in-part states:

> **"...and the court may remand the case either for retrial or for correction of the record."**

Further, **Article 372. Court reporter** (among other things) insures that the tape(s) shall be available to correct the record.

Certainly, **Art. 2126. Payment of Costs** provisions, specifically in regard to dismissals due to "abandonment", should only be considered after Articles 2161, 2132 and 372 have been satisfied.

The court of appeal erred when it did not take all means available to correct (or even attempt to correct) at least the February 21, 2001 transcript (and/or any other transcript[s]) or, in the alternative, order a retrial. Instead, the court of appeal remained silent to the attested to fact[5] that one or more transcripts were materially incorrect. Instead it moved to affirm the dismissal of the litigation **with error**. As shown earlier, **the code is not silent on the matter of errors. The court of appeal should not have been silent on the errors. It should have acted to eliminate them.**

---

[5] Appendix item No. 1 - Application for a Supervisory Writ to the First Circuit Court of Appeal filed November 21, 2001 **(Exhibit 11 - Affidavit of Nancy Blanchard dated September 4, 2001).**

Appendix item No. 2 - Motion and Order to Supplement the Appeal Record **(Exhibit A - Affidavit dated June 26, 2002)**

The wrong decisions by the court of appeal on May 9, 2003 and July 7, 2003 [6] finalized over two years of actions that demonstrate a gross departure from proper judicial proceedings and the mandate of the code to produce and maintain a correct trial record. Therefore, a writ application to this state court of "last resort" is most proper and consistent with the supreme court's supervisory jurisdiction over lower courts when a party believes that errors have occurred in lower courts' opinions, judgments or rulings that deny justice to that party as a United States citizen in the State of Louisiana.

ARGUMENTS

The plaintiff/appellant has consistently argued throughout this appeal process (two years) that it is the appellant/plaintiff's distinct legal right to have a correct transcript(s) (that contains all material verbiage spoken at hearing[s]) and a correct trial record from which to argue. The essence of the argument for a correct trial record has not changed over the last two years but, unfortunately, the content of that argument has had to get much more specific and detailed so as to try and demonstrate to the courts exactly how material and significant certain specific verbiage excluded from the February 21, 2001 transcript was to the appellant/plaintiff and to this particular litigation.

Due to the continuous silence of the lower courts on the substantive issue of a correct trial record, the appellant/plaintiff was forced to prematurely disclose key facts and information - **just to try and obtain a correct transcript and/or trial record!** That may well have damaged any future actions that would have involved those same facts and information. It is unfair that the appellant/plaintiff had to prematurely include certain information in filings on so basic of an issue.

After the court of appeal's May 9, 2003 decision totally disregarded the substantive issue and the reality of one or more incorrect transcripts and/or trial record, the plaintiff/appellant was once again compelled to argue that the payment of costs may have been the procedural issue before the court but the more substantive issue was one of **justice**. Filings were made on May 23, 2003 and

---

[6] Appendix item No. 4 - Court of Appeal, First Circuit denial decision dated July 7,2003 of Application for Rehearing dated May 23, 2003.
Appendix item No. 5 - Court of Appeal, First Circuit denial decision dated July 7, 2003 of Motion for an "En Banc" Hearing dated May 23, 2003.

June 6, 2003 in that regard.[7] On July 7, 2003 the denials were ordered for the May 23, 2003 and the June 6, 2003 filings.[8]

Conversely, the appellee/defendants have consistently made irrelevant and untrue arguments before the lower courts to distract and divert attention from the real issue of an incorrect trial record. Their arguments filled many pages with text but they did not try to disprove and/or even dare to seriously argue against the existence (and their use) of one or more incorrect transcripts and/or trial record to obtain their "expedited" dismissal on July 2, 2001. Arguments have been made such as:

1. The appellant/plaintiff is retaliating and being vindictive against Mr. Alexander. Mr. Alexander is simply the "victim" of an angry client.

2. The appellant/plaintiff has no respect for the legal system and/or the judicial process and is trying to make a mockery of the court.

3. The appellant/plaintiff has, without cause, failed to appear at certain hearings to argue against dismissal. Therefore, he simply deserves to lose.

4. The appellant/plaintiff, without cause, is harassing numerous attorneys and judges surrounding this litigation (and its underlying litigation) by filing disciplinary complaints (it is true that 10 disciplinary complaints have been filed since 1999).

5. The appellant/plaintiff is simply trying to collect $88,403.25 of out-of-pocket expenses not owed by Mrs. Blanchard; therefore, it is much to do about nothing.

Those untrue arguments (which the appellant/plaintiff hereby denies), repeatedly presented by the appellees/defendants throughout these proceedings, are not relevant but only serve to cloud or confuse a very simple substantive issue and its related facts that are presently before this honorable

---

[7] Appendix item No. 6 - Application for Rehearing filed on May 23, 2003.
Appendix item No. 7 - Appellant's Brief to Support the Application for Rehearing of the Judgment rendered by Fitzsimmons, Guidry and Pettigrew dated May 9, 2003 filed on May 23,2003.
Appendix item No. 8 - Motion for an "En Banc" Hearing filed on May 23, 2003.
Appendix Item No. 9 - Reply to Appellee/Defendants' Opposition to Application for Rehearing filed on June 6, 2003.

[8] Appendix item No. 4 - Court of Appeal, First Circuit denial decision dated July 7,2003 of Application for Rehearing filed on May 23, 2003.
Appendix item No. 5 - Court of Appeal, First Circuit denial decision dated July 7, 2003 of Motion for an "En Banc" Hearing filed on May 23, 2003.

court. That issue and those facts are: **a correct trial record is mandated by the Louisiana Code of Civil Procedure; without a correct trial record justice is not rendered; this litigation's trial record has been incorrect since at least February 23, 2001. Because the trial record remains incomplete or in error, Article 2161 declares that this appeal shall not be dismissed.**

The trial record and the appeal record clearly demonstrate (affidavits[9], etc.) just cause to believe that the trial record has been incorrect, in very material ways, since February 23, 2001. This honorable court must now decide whether it is "just" to allow the production and use of incorrect transcripts and/or trial records in certain litigations - **like this one** - or to demand a correct trial record in all litigations - **including this one**.

When anything less than a completely correct trial record is tolerated, one must ask, **"how correct shall the trial record be?"** In that questionable environment, justice would no longer be "blind" but due process would tend to become subjectively capricious, arbitrary and unreasonable - **as in this litigation**.

By its latest decisions, the court of appeal has ignored the substantive issue of having a correct trial record. Instead, it has focused on a lesser, subordinate issue. It has unjustly ordered that the appellant/plaintiff should have had to pay to copy the trial record - **whether it was correct or not**. That is inconsistent with the code, principles of justice and what is natural.

The appellant/plaintiff has always agreed to pay and/or has never refused to pay for a correct trial record. **If there would be a correct trial record (in accordance with L. L. C. P. Art. 2161, 2132 and 372), there would be no payment controversy (as required by L.L.C.P. Art. 2126).**

---

[9] Appendix item No. 1 - Application for a Supervisory Writ to the First Circuit Court of Appeal filed November 21, 2001 **(Exhibit 11 - Affidavit of Nancy Blanchard dated September 4, 2001).**

Appendix item No. 2 - Motion and Order to Supplement the Appeal Record **(Exhibit A - Affidavit dated June 26, 2002).**

It is shameful and a travesty of justice that one or more incorrect transcript(s) and/or an incorrect trial record still exists in this litigation after **over two years** of effort to correct those errors. Additionally, it is an abuse of judicial process that the lower courts have continued to allow one or more incorrect transcripts to be repeatedly used by the appellees/defendants and/or their counsels of record to unilaterally make numerous filings, discover documents, hold a deposition, call hearings and make arguments, after February 21, 2001, in the appellees/defendants' sole favor and to the sole detriment of the appellant/plaintiff.

The products of an incorrect trial record and the "ill practices" that followed February 21, 2001 are like **"poisonous fruit from a bad tree"**- each sequential act further **spoiling** the already **corrupted** record that was first produced on February 23, 2001.

It is unjust that the appellees/defendants and/or their counsels of record have been allowed to repeatedly make irrelevant (or any) arguments before the lower courts and/or even this court having the perceived advantage of lower court decisions predicated upon one or more incorrect transcripts and/or that incorrect trial record - **just as if no wrongdoings had ever occurred**. Surely, correct filings and/or arguments cannot come from a trial record that is fundamentally incorrect. The appellee/defendants have been repeatedly allowed by the lower courts to "pull" themselves along in this litigation by their own "bootstraps" since February of 2001. There has been no accountability for those "ill practices" and/or the damages caused.

By the court of appeal's most recent July 7, 2003 decisions to affirm the July 2, 2001 dismissal of the litigation and the October 30, 2001 dismissal of the appeal by the district court, the court of appeal has decided to forever "seal" the wrong decisions by the district court to limit and/or restrict any/all of the appellant/plaintiff's arguments by at least (but not limited to) the known and material words that have been selectively excluded from at least that February 21, 2001 transcript. That is an unjust decision.

The importance of correct trial hearing tapes and trial records to appeals is without serious dispute. In the disciplinary trial held before this honorable court in 2002, pertaining to New Orleans District Judge Sharon K. Hunter, this court clearly declared how important correct trial hearing tapes

and trial transcripts are to an appeal and then acted unanimously to severely discipline Judge Hunter. This matter does not involve apparent administrative or poor housekeeping issues (as in Judge Hunter's case) but instead manifests other serious reasons why the trial record is incorrect.

CONSIDERING THE FOREGOING, it is known that things are to be used only in accordance with their nature. Things are not to be used contrary to their nature. To obtain justice in all cases, the Louisiana Code of Civil Procedure strongly mandates that a trial record should be truthful in all cases. That is the nature of a trial record - to be true. Within that trial record is spoken testimony from hearings, depositions, etc.- truthfully transcribed word for word. When one or more transcripts are incorrect, the trial record is naturally incorrect. The compounding and repeated use of an incorrect trial record by the district court, with no real effort to correct it, was a very serious injustice perpetrated in this litigation and continued throughout the appeal. Injustices typically display symptoms such as confusion, chaos and convolution. The court of appeal clearly recognized those symptoms and on page No. 2 of its May 9, 2003 decision did declare that this litigation was indeed "protracted and convoluted."[10]

Therefore, the court of appeal admitted to recognizing the symptoms, had cause to know that the trial record was incorrect (affidavits), and still took no action whatsoever to determine the extent of the errors and/or to correct them. The court of appeal was mandated and empowered by the code to either correct the trial record or order a retrial of the case. It did neither. It remained silent to the errors and thereby committed its own injustice. It failed to act in a judicial manner worthy of its supervisory position in the judicial process.

There existed, in certain lower courts during this litigation, an indifference to injustices committed by professional peers. Certain lower courts remained silent and passive even when it was clear that corrective action and reparation was just and a remedy was available. That type of peer indifference, if continue to be tolerated, damages the entire judicial body in no less a manner than a cancer in one area of a physical body can eventually damage the whole body. That peer-type passiveness will ultimately lead to a public lack of confidence in a branch of government upon which

[10] Appendix item No. 3 - Court of Appeal, First Circuit decision dated May 9, 2003.

this great state and country have been in-part built.

This honorable supreme court is now looked upon by the appellant/plaintiff to bring certain facts into the light - not to continue to hide them but to see that they are revealed. It is not enough for certain lower courts and certain of its officers to have claimed to know the law. They must respect the law. To respect the law is to practice it and to render justice in accordance with its nature. Its nature is truth. The truth has been seriously lacking in this litigation, its appeal (and/or the underlying litigation upon which Mr. Alexander, the appellee/defendant, has had a tremendous effect).

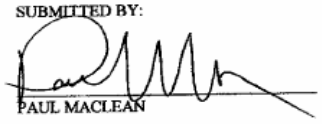
Since there are serious civil rights, due process rights, judicial abuse and environmental contamination, etc. issues at stake in this litigation (and its underlying litigation), the appellant/plaintiff contends that the failure of this honorable supreme court to grant this application and to correct the judicial wrongdoings, that go to the "heart" of the workings of the judicial system, would be to deny the most basic rights owed to the appellant/plaintiff and the general public of this great state.

PRAYER

WHEREFORE, Paul Maclean, the appellant/plaintiff contends that there has been a gross departure from proper judicial proceedings and an erroneous interpretation or application of the constitution and significant unresolved issues of law are at stake and/or remain undecided that impact not only this litigation but the rights and due process of other litigations.

The appellant prays that this honorable court will grant this writ application in accordance with the authority given to it by the Constitution of the State of Louisiana.

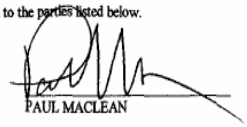
SUBMITTED BY:



PAUL MACLEAN

CERTIFICATE OF SERVICE

The appellant/plaintiff hereby certifies that a copy of this WRIT APPLICATION AND MEMORANDUM has this day been forwarded to the parties listed below.



PAUL MACLEAN

APPELLEE/DEFENDANT:
G. Tim Alexander, III, Attorney
First National Bank Towers
600 Jefferson Street
Box 86, Suite 502
Lafayette, Louisiana 70508
Telephone No.: 337.266.2176
Certified Mail No. 7002 2030 000 5041 2381

COUNSEL FOR G. TIM ALEXANDER, III:
James H. Gibson, Attorney
Allen & Gooch
1015 St. John Street
Post Office Drawer 3768
Lafayette, Louisiana 70502-3768
Telephone No.: 337.291.1000
Certified Mail No. 7002 2030 000 5041 2398

COUNSEL FOR COREGIS INSURANCE COMPANY
Daniel A. Rees, Attorney
Rees and Rees
432 East Bridge Street
Breaux Bridge, Louisiana 70517-4604
Telephone No.: 337.507.3455
Certified Mail No. 7002 2030 0000 5041 2404

District Judge Keith Comeaux
Sixteenth Judicial District Court
Courthouse Building - Suite 210
300 Iberia Street
New Iberia, Louisiana 70560-4585
Telephone No.: 337.369.4410
Certified Mail No. 7002 2030 0000 5041 2411

Ms. Christine L. Crow, Clerk
Court of Appeal, First Circuit
1600 North Third Street
Post Office Box 4408
Baton Rouge, Louisiana 70821-4408
Telephone No.: 225.342.1500
Certified Mail No. 7002 2030 0000 5041 2428