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THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

LARRY ANDERSON JR

CIVIL ACTION NO: 2:15-cv-01203

VERSUS

JUDGE TRIMBLE

COUSHATTA CASINO RESORT

MAGISTRATE JUDGE KAY

RESPONSE TO DEFENDANTS' MOTION TO DISMISS

Now into the court, comes plaintiff, pro se, Larry Anderson Jr, in response to the MOTION FOR DISMISSAL OF DEFENDANT. I move this honorable court to not dismiss this matter.

First, I would like to say that the allegations put forth by the Counsel of the defendant, S. Joseph Dupuis Jr., counsel for the Coshatta Tribe of Louisiana, that the Coshatta Casino Resort is an improper name are not intentional and are innocent of any wrongdoing or misconception and I beg the court to understand that in the paperwork for this lawsuit I call such Coshatta Casino Resort because that is the entity named on all of my paperwork including the "Food and Beverage Associate Orientation" handbook in which I was given when I attended orientation for the job at the Terrace Café, it is also named as such on the Coshatta Casino Resort Associate Safety Handbook, also on monthly event calendars given to employees monthly, also on documented paperwork of my unemployment hearings as such from the Louisiana Workforce Commission upon other documents. That unless one is a lawyer or business leader in such a way, mere employees would not commonly know or be aware as to name the Coshatta Casino Resort as the Coshatta Tribe of Louisiana.

FACTS AND ARGUMENT

Thus stated, your Honor, now I bring forth facts pursuant to the claim of this matter and in response to the document named MEMORANDUM IN SUPPORT OF MOTION FOR DISMISSAL OF MOTION FOR DISMISSAL OF DEFENDANT, THE COUSHATTA

TRIBE OF LOUISIANA. I pray that the court not dismiss this case or find any reason for dismissal thereof.

- I. It is true and factual that I, plaintiff, Larry Anderson Jr., was an “at-will” employee at the Terrace Café at Coushatta Casino Resort in Kinder, Louisiana. However, all employees, at-will, should not be subject to such treatment as discrimination or retaliation. I say this your Honor because on October 12, 2012, I went to talk to Randy Crow, , about issues going on at the Terrace Café that were interfering with my job. I did what was right and asked of me and instructed at my orientation and followed the chain of commands to handle this matter. I was being retaliated against by my supervisors in response to me following the chain of commands. I first spoke with Gayle Arceneaux, then Delayna Gallow, then Steve Reading, when nothing was being done about this matter. I eventually spoke with Human Recourses in which I was referred to the Commissions office. Then one day when I was at work in December 2 2012, Dan Conrad and Sohoke came to the Terrace Café and spoke with me and brought me into the office and told Steve Reading not to come in. Ever since that day I was retaliated against by these supervisors.
- II. My employee rights were also violated. I was written up three times and each time I was refused to look in my file. I was read the write up and forced to sign, threatening my job and given ultimatums by my supervisors. On December 18, 2012, I was refused to look in file also by Steve Reading, this was the day I was walked out of the casino, suspended pending an investigation.
My employee rights were violated again by an investigation not being conducted. I even spoke and questioned the same coworker whom I was helping the day of this incident. She replied, “No supervisor has approached her about this matter.”
I was “suspended” on the 18th of December 2012, and on the 21st of December 2012 I was called by Gayle Arceneaux stating I was terminated.
- III. I beg of you your Honor that this court grant jurisdiction over this case. The Coushatta Tribe of Louisiana’s Indian Court blocked me from filing in their court. The first time I went to inquire about the first step to take to do the lawsuit, which was January 2012 the lady in the window at the courthouse said I could not file without a lawyer. I attempted to find a lawyer, however I never found one that would help me with this

matter, hence me appearing before you as pro se. I filed with the Allen Parish Court in Oberlin Louisiana on December 20, 2013 but the case was dismissed eventually for Lack Of Subject Matter Jurisdiction. I filed once again but the case was finally dismissed again for the same. I filed in this court in April 17, 2015 praying my case can be heard. I went once more to the Indian Court to serve upon the Coughatta Casino Resort and that is when the judge came out and asked why I never filed in their court. I told him I feel justice was obstructed by the women working in the window and he said he would be back to talk to me. He invited me to file in the court but by then I had already filed in this court herein. Your honor, I just pray to have my case heard and have justice served here.

- IV. Your honor, I followed the chain of commands trying arbitration with Dan Conrad on February 1, 2013 and again was denied my employee rights. I first went to Gayle Arceneaux, Delayna Gallow, Steve Reading, James Hamilton, Mr. Gerald, Randy Crow, Dan Conrad who was above Food and Beverage, Conrad Grenido who was over the casino at the time who eventually sent me a letter approving the decision of the chefs. Your Honor, this calls for a valid cause of action. Arbitration was the tactic I attempted before ultimately referring to the justice system of the United States.
- V. I was ultimately terminated, per pink slip (Personnel/Payroll Action Notice) for Termination Code 24E- insubordination and 24B- unsatisfactory performance. Your Honor, this has been proven by Judge Daniel J. Druilhet, administrative law judge for Louisiana Workforce Commission Appeals Unit. He stated that after an investigation and appeal, "The dispute occurred because of a misunderstanding concerning the work assignment. There was no intention to be insubordinate. There is no misconduct connected with the employment. " I won the unemployment appeal and I have in my possession the minutes and a sound DVD recording of the telephone hearing. It is obvious you Honor, that if I won that case then the allegation against the Coughatta Casino resort be true herein.
- VI. This case should not be dismissed also because I did file a complaint in this matter within the correct time limit. I first filed with the state court In Allen Parish on December 20, 2013. The attorney at that time for the Coughatta Casino Resort was Michael Holmes in Kinder Louisiana. I filed with the Federal Court in Lafayette on April 17, 2015. It is evident that my attempt to file this case was in a timely manner.
- VII. This case should not be dismissed your Honor because I did attempt to file a case with the Equal Employment opportunity Commission in

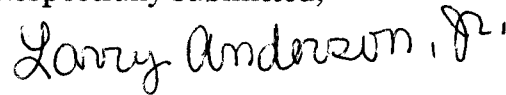
January 2013. When I called to inquire about how and what to do I was told that since the Tribe is of sovereign nation there is no case that can be opened or reviewed for me.

CONCLUSION

Based upon the following, Plaintiff, Larry Anderson Jr, pro se, respectfully requests that this Honorable Court not dismiss this matter.

Your Honor, I have documentation of all said such herein that I am willing to file with the court as evidence and documentation. I pray that this court finds these facts plausible for this case to not be dismissed.

Respectfully submitted,

A handwritten signature in black ink that reads "Larry Anderson Jr." with a stylized flourish at the end.

Larry Anderson Jr.

Pro se

488 Rester Rd

Kinder La 70648

337-998-1133

CERTIFICATION OF SERVICE

I HEREBY CERTIFY THAT THE FOREGOING HAS BEEN SERVED UPON ALL COUNSEL AND/OR PARTIES IN THIS MATTER BY NOTICE THROUGH THE United States mail on this 2nd day of

March 2016

Larry Anderson, Jr.

Larry Anderson Jr