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MUNICIPAL COURT  
STATE OF LOUISIANA  
PARISH OF ORLEANS

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CITY OF NEW ORLEANS  
VERSUS  
SCOTT [REDACTED]

CASE NUMBER  
[REDACTED]  
SECTION "C"

\* \* \* \* \*

Transcript of the proceedings entitled City of New Orleans versus Scott [REDACTED] Case No. [REDACTED], taken before the Honorable Desiree M. [REDACTED], Presiding Judge, Section "C", on the 5th day of May, 2011.

Reported by:  
Carmel F. [REDACTED], CCR, CVR  
Official Court Reporter  
Certification No. 25006

APPEARANCES

FOR THE PROSECUTION:

ROBERT W. [REDACTED]  
Assistant City Attorney  
for the City of New Orleans

BERNARD J. [REDACTED]  
Attorney for Cypress Grove and Greenwood Cemeteries  
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Gretna, Louisiana 70053

GERARD [REDACTED]  
Representative for Lakelawn Park Mausoleum, Metairie  
Cemetery, Mount Olivet Cemetery, St. Bernard Memorial  
Gardens, and St. Vincent dePaul

FOR THE DEFENSE:

CLIFFORD E. [REDACTED]  
Attorney for the Defendant  
3801 N. Causeway Boulevard  
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LEIGH [REDACTED]  
Attorney for the Defendant  
2901 Ridgelake Drive  
Metairie, Louisiana 70002  
(504) 838-9731

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PROCEEDINGS

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MR. D [REDACTED]:

Case number [REDACTED], Scott

[REDACTED]. Robert W. [REDACTED] on behalf  
of the City of New Orleans, Your Honor.

MR. P [REDACTED]:

Good afternoon, Your Honor. May it  
please the Court, Clifford [REDACTED] and  
Leigh [REDACTED], co-counsel, on behalf of  
Scott [REDACTED], who is present in  
Court.

THE COURT:

Good afternoon.

MR. D [REDACTED]:

Mr. R [REDACTED], Mr. S [REDACTED], would you-all  
step over here, please? Would you  
advise who you represent?

MR. R [REDACTED]:

For the record, Your Honor, Bernard  
[REDACTED]. I'm here in my private capacity  
as attorney and as a citizen  
representing Greenwood Cemetery and  
Cypress Grove Cemetery.

MR. S [REDACTED]:

Gerry [REDACTED]. I'm representing

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Metairie Cemetery and Lakelawn Park  
Mausoleum

THE COURT:

Thank you, sir.

MR. D [REDACTED]:

Your Honor, the defendant, Scott  
[REDACTED], is charged with one count of  
trespassing. I've had a discussion with  
the representatives of the cemeteries,  
as well as with the defense counsel and  
we've entered into an agreement that the  
representatives are willing not to  
proceed as witnesses in the prosecution  
of this matter upon the stipulation by  
Mr. Scott [REDACTED], as a representative  
of the Hearse Club -- and there are  
other participants in the club present  
today -- I was going to ask that they  
step forward and identify themselves.

The stipulation is that neither the  
defendant, Mr. Scott [REDACTED], nor any  
members of the Hearse Club will appear  
at the Metairie Lakelawn Cemetery, the  
Metairie Lakelawn Mausoleum, the  
Greenwood Cemetery, and the Cypress

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Grove Cemetery, in any capacity other than attending funerals at that location -- the locations that have been stipulated. If Mr. [REDACTED] was to appear again, not only could this case be reopened, but there would be new charges added, as well as a violation of what I consider a court order that he is not to appear there other than in his capacity as someone whose family, or relative, or friend -- to attend a funeral. They are also not to go to these various cemeteries and gratuitously drive -- This is a "Hearse Club." They have hearses they use for their personal vehicles.

THE COURT:

That was my next question.

MR. D [REDACTED]:

They are not to go there and gratuitously drive through these various cemeteries in the hearse. There are other individuals here. I would ask that they step forward and identify themselves. The same conditions --

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They're not charged, but we want them to be aware that they are not invited guests at these cemeteries, other than as attending a funeral.

MR. P [REDACTED]:

With one understanding, Your Honor -- attending a funeral, but also, perhaps, visiting relatives who may be interred at those cemeteries.

MR. D [REDACTED]:

That would be appropriate, if they are interred. There is no video, no movie making, no still shots, no film production, no -- This is not a film lot or a film set.

THE COURT:

What is the allegation? I see it's trespassing, but --

MR. P [REDACTED]:

The allegation, Your Honor, is that the members of the club went to the cemetery and they used the cemetery as a backdrop for photographs that were made for the Hearse Club website and it's newsletter. There was some confusion

1 about whether the members of the club  
2 were asked to leave, or just move to  
3 another part of the cemetery. They  
4 understood it to be that they were asked  
5 to move to another part of the cemetery.  
6 Mr. S [REDACTED] indicates that he had asked  
7 them to leave when he asked them to  
8 move. But the bottom line is that I  
9 think we can get this resolved quickly  
10 and easily by the stipulation, by the  
11 Hearse Club, Mr. [REDACTED], on behalf of  
12 the Hearse Club, and the members of the  
13 Hearse Club. They have no intention of  
14 being somewhere that they are not  
15 welcome.

16 THE COURT:

17 Okay. Well, that's a good thing.  
18 Does everyone understand?

19 MR. D [REDACTED]:

20 Your Honor, I wanted to get the  
21 identity of the various persons here.

22 THE COURT:

23 If you wouldn't mind standing up  
24 before the mic, one by one.

25 MR. [REDACTED]:

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MR. D [REDACTED]:

With that stipulation, Your Honor,

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and the understanding that they would also -- It's my understanding that they have a website. We would ask that they advise their followers that they are not invited or welcome at that site as per the agreement today.

MR. P [REDACTED]:

I'm sure that will be disseminated on the website.

THE COURT:

All right. Now, that's Lakelawn Cemetery, Lakelawn Mausoleum, Greenwood Cemetery, and Cypress Grove Cemetery? Is that the limitations here?

MR. S [REDACTED]:

Your Honor, I guess -- although the actions took place in Metairie Cemetery -- that's where the complaint was -- We own three other cemeteries. We might as well add those to the list on there. One is Mount Olivet Cemetery. One is St. Bernard Memorial Gardens, out in Chalmette, and the other is St. Vincent dePaul, off of Louisa and Robinson. If we are going to try and get it on

1 record, we might as well add all of  
2 our cemeteries to the list.

3 THE COURT:

4 All right. Thank you, sir.

5 MR. P [REDACTED]:

6 I need to get these. St. Bernard  
7 Memorial Gardens, what else?

8 MR. S [REDACTED]:

9 Mount Olivet Cemetery and St.  
10 Vincent dePaul. There is more than one  
11 St. Vincent, so put dePaul on there,  
12 number one, two and three cemeteries.

13 MR. R [REDACTED]:

14 There is one other thing, Your  
15 Honor. I believe that part of the  
16 stipulation was that defense counsel was  
17 to purchase copies of this stipulation  
18 for myself and for Mr. S [REDACTED], and have  
19 them sent to us so that we have  
20 something in writing to perpetuate --  
21 make a record of what we did here today.

22 MR. D [REDACTED]:

23 That is correct, Your Honor.

24 THE COURT:

25 Okay.

1 MR. P [REDACTED]:

2 I've already provided my card to  
3 Madame Court Reporter. As soon as she  
4 lets me know how much she needs, I'll  
5 get the transcripts. It will be  
6 forwarded to Mr. S [REDACTED] and Mr. R [REDACTED]

7 THE COURT:

8 All right. Is that satisfactory to  
9 everyone here? All right. So this is a

10 --

11 MR. D [REDACTED]:

12 This is a nolle prosequi by the City  
13 with the stipulation that's just been  
14 made in open court, Your Honor. The  
15 City reserves its right to reopen it,  
16 should there be a violation of the  
17 stipulation.

18 MR. P [REDACTED]:

19 Absolutely.

20 THE COURT:

21 Okay, sir. And your client, Mr.

22 [REDACTED], do you understand that, sir?

23 MR. [REDACTED]:

24 Yes.

25 THE COURT:

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Okay. Any questions from anyone? 13

I appreciate you-all coming and agreeing to the restrictions that have been placed upon you. If there is nothing else, that resolves this matter -- thank you all, very much.

(The proceedings were concluded at 3:35 p.m.)