

TERRANCE PATRICK ESFELLER

:19<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

: NUMBER: 575395 SECTION 27

BOARD OF SUPERVISORS FOR  
LOUISIANA STATE UNIVERSITY AND  
AGRICULTURAL AND MECHANICAL  
COLLEGE; MICHAEL MARTIN, in his  
official capacity as Chancellor of Louisiana  
State University; DR. JOHN M. HAMILTON,  
in his official capacity as Dean of the LSU  
Manship School of Mass Communication;  
JAMES E. SHELLEDY, in his official capacity  
as Director of the LSU Office of Student Media;  
MELISSA MOORE, in her official capacity as  
Reveille Adviser; THE DAILY REVEILLE;  
KYLE WHITFIELD, in his official  
and individual capacity as Editor of The Daily  
Reveille; and TYLER BATISTE, GERRI SAX,  
and ALEX BOND, in their official and individual  
capacities as Managing Editors of The Daily  
Reveille

: EAST BATON ROUGE PARISH, LA

: STATE OF LOUISIANA

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**FIRST SUPPLEMENTAL AND AMENDING PETITION FOR DAMAGES AND  
INJUNCTION**

NOW INTO COURT, comes **TERRANCE PATRICK ESFELLER**, a person of the full  
age of majority and a resident and domiciliary of East Baton Rouge Parish, Louisiana, who for the  
purpose of filing of this First Supplemental and Amending Petition For Damages and Injunction  
respectfully represents the following:

1.

Defendant **BOARD OF SUPERVISORS FOR LOUISIANA STATE UNIVERSITY  
AND AGRICULTURAL AND MECHANICAL COLLEGE** (the Board) is a political subdivision  
of the State of Louisiana with the capacity to sue or be sued. The Board is headquartered in Baton  
Rouge, Louisiana and exercises supervisory control over Louisiana State University and Agricultural  
and Mechanical College at Baton Rouge (LSU).

2.

Defendant **MICHAEL MARTIN** is named in his official capacity as the Chancellor of LSU  
in Baton Rouge and, upon information and belief, resides in or around Baton Rouge, Louisiana.

3.

Defendant **JOHN M. HAMILTON** is named in his official capacity as the Dean of the LSU Manship School of Mass Communication, which has oversight of the LSU Office of Student Media and, upon information and belief, resides in or around Baton Rouge, Louisiana.

4.

Defendant **JAMES E. SHELEDY** is named in his official capacity as the Director of the LSU Office of Student Media, which oversees the day to day operations of the Daily Reveille and, upon information and belief, resides in or around Baton Rouge, Louisiana.

5.

Defendant **MELISSA MOORE** is named in her official capacity as the Reveille Adviser with the LSU Office of Student Media. The defendant is a professional staff adviser who oversees and advises the staff of the Daily Reveille and, upon information and belief, resides in or around Baton Rouge, Louisiana.

6.

Defendant **THE DAILY REVEILLE** (the Reveille) is a university publication operated by the LSU Manship School of Mass Communication, funded by public fees under the control of LSU, and is located on the campus of Louisiana State University in Baton Rouge, Louisiana in a public building and use public property provided to them by LSU.

7.

Defendant **KYLE WHITFIELD** is named in his individual and official capacity as the Editor of The Daily Reveille and, upon information and belief, resides in or around Baton Rouge, Louisiana.

8.

Defendant **TYLER BATISTE** is named in his individual and official capacity as a Managing Editor of The Daily Reveille and, upon information and belief, resides in or around Baton Rouge, Louisiana.

9.

Defendant **GERRI SAX** is named in her individual and official capacity as a Managing Editor of The Daily Reveille and, upon information and belief, resides in or around Baton Rouge, Louisiana.

**10.**

Defendant **ALEX BOND** is named in his individual and official capacity as a Managing Editor of The Daily Reveille and, upon information and belief, resides in or around Baton Rouge, Louisiana.

**11.**

According to the Reveille's published advertising rate card, the website [www.lsureveille.com](http://www.lsureveille.com) is frequented by an average of 116,500 unique visitors per week during the fall and an average of 79,000 unique visitors per week in the spring. The website [www.lsureveille.com](http://www.lsureveille.com) is an extension of The Reveille.

**12.**

According to the Reveille and [lsureveille.com](http://lsureveille.com) comment policy, "The editor-in-chief and managing editor have the final say of what is appropriate for [lsureveille.com](http://lsureveille.com)." The editor and managing editor(s) of The Reveille and [www.lsureveille.com](http://www.lsureveille.com) maintain control over approval and disapproval of all comments made on the website [www.lsureveille.com](http://www.lsureveille.com).

**13.**

According to the Reveille's published advertising rate card, the Reveille prints and distributes 13,000 to 15,000 copies of their publication daily.

**14.**

On February 13, 2008, the defendants approved a comment under an alias on The Daily Reveille website, [www.lsureveille.com](http://www.lsureveille.com), referring to the plaintiff as a "dumb ass[es]" in a public forum.

**15.**

On March 13, 2008, the defendants approved and posted libelous comments on the website for the Reveille, [www.lsureveille.com](http://www.lsureveille.com), claiming that plaintiff had "threatened" an individual at a football game. The comment went on to warn students and community members to "watch out", insinuating that plaintiff could be a threat to the community. The approved comment also falsely accused the plaintiff of making contact with an individual after being told not to by the LSUPD.

**16.**

On July 10, 2008, an article was published in The Daily Reveille regarding plaintiff's ongoing legal battles with LSU over false allegations that were made by an individual to the Office of Judicial Affairs at LSU.

**17.**

On July 10, 2008, the defendants approved and posted a comment on The Reveille's website, [www.lsureveille.com](http://www.lsureveille.com), which contradicted a number of statements that this individual made to both the LSU Police Department and the LSU Office of Judicial Affairs.

**18.**

On January 10, 2009, the defendants approved and posted a libelous comment on The Reveille's website, [www.lsureveille.com](http://www.lsureveille.com), referring to the plaintiff as "the next Louisiana serial killer on the loose". The approved comment also falsely stated that the plaintiff had "repeatedly harassed several other women".

**19.**

On March 12, 2009, the defendants published and printed an article entitled "Former student sues over libel" in The Reveille about the pending litigation between the plaintiff and the defendants.

**20.**

In that article, the defendants printed items 14 through 18 and other portions of the original Petition for Damages and Injunction filed on February 17, 2009.

**21.**

The Daily Reveille article entitled "Former student sues over libel" was also published on the website, [www.lsureveille.com](http://www.lsureveille.com), subjecting more individuals to the publication. Said web page has since been removed as of the filing of this amended petition.

**21.**

In the Daily Reveille article dated March 12, 2009, the defendants state that "the lawsuit was filed because of alleged libelous comments posted about him on the publication's Web site, [lsureveille.com](http://lsureveille.com)" which leads the readers to believe that a possibility exists that the comments listed in lines 14 through 18 were indeed facts.

**22.**

In the Daily Reveille article dated March 12, 2009, the defendants claim that the comments referring to the plaintiff are "alleged misrepresentations of his character," insinuating that these

misrepresentations could in fact be true, causing further damages to the plaintiff's reputation.

**23.**

In the Daily Reveille article dated March 12, 2009, the defendants state that "the plaintiff is unable because of his present poverty, to pay the costs of court in advance," causing further damages to the plaintiff's reputation by disclosing his financial status to the general public, and subjecting him to public ridicule and humiliation.

**24.**

In the above referenced article, the defendants claim that "Esfeller did not return calls for comment by press time." However, the defendants made no attempts to contact the plaintiff via phone.

**25.**

As a result of the publishing of the above referenced article, approximately 13,000 to 15,000 copies of the article were distributed. An additional number of people were subjected to this article through the defendants' website, [www.lsureveille.com](http://www.lsureveille.com).

**26.**

The defendants have willfully, maliciously, and intentionally inflicted emotional distress upon the plaintiff without just cause with the intent of harming the plaintiff and as a direct and proximate cause of the defendants' actions, the plaintiff was in fact and continues to be irreparably harmed by the defendants' actions.

**27.**

The defendants have intentionally, maliciously, and without just cause, libeled the plaintiff's name by making knowingly false, malicious, and intentional statements about the plaintiff, and as a direct and proximate cause thereof the defendants have and continue to irreparably harm the plaintiff.

**28.**

The defendants have intentionally, maliciously, and without just cause, attempted to incite a fear of the plaintiff into the members of the community, and as a direct and proximate cause thereof, the defendants have and continue to irreparably harm the plaintiff.

**29.**

The acts committed by defendants on the plaintiff have caused substantial damages to the plaintiff. The plaintiff has suffered, is suffering, and will continue to suffer great and irreparable loss and injury including, but not limited to humiliation, embarrassment, mental anguish, emotional

distress, loss of society, and loss of future earning potential. All damages caused to plaintiff were proximately caused by the defendants.

**30.**

The damages caused by the defendants are in excess of \$50,000 and as such a trial by jury is requested.

**31.**

Plaintiff is also entitled to recover costs of this lawsuit.

**32.**

Plaintiff is unable because of his present poverty, to pay the costs of court in advance, or as they accrue, or to furnish security for costs. Therefore, he is entitled to prosecute this action in forma pauperis pursuant to Article 5181 through 5188 of the Louisiana Code of Civil Procedure.

**WHEREFORE**, Plaintiff, **TERRANCE PATRICK ESFELLER**, prays that, after due proceedings are had:

1. Defendants be found liable for committing libel against plaintiff, resulting in defamation of character to the Plaintiff.
2. Plaintiff is entitled to monetary damages in an amount to be determined by a trial jury.
3. Plaintiff be granted a preliminary and permanent injunction against defendant ordering permanent removal of the comments listed in lines 14 through 18 of this petition from the website [www.lsureveille.com](http://www.lsureveille.com).
4. Plaintiff be granted a preliminary and permanent injunction restraining any further comments to be approved on the website [www.lsureveille.com](http://www.lsureveille.com).
5. Plaintiff be granted a preliminary and permanent injunction restraining the defendants from placing into print or contracting out for services to print any of the comments mentioned in this petition.
6. Plaintiff be granted a preliminary and permanent injunction restraining the defendants from posting and publishing the article dated March 13, 2009 entitled "Former student sues over libel" to their website, [www.lsureveille.com](http://www.lsureveille.com).
7. Plaintiff be granted a preliminary and permanent injunction preventing said defendants from

continuing to harm plaintiff in the manner set out above in that plaintiff has no other remedy in law or equity and will be irreparably harmed should said injunction not be issued.

8. Defendants be made to pay all court costs affiliated with these proceedings.
9. Plaintiff further prays that he be allowed to prosecute this action in forma pauperis pursuant to Articles 5181 through 5188 of the Louisiana Code of Civil Procedure.
10. Plaintiff prays for such other relief as in law and equity that may be entitled.

Respectfully submitted,



**TERRANCE PATRICK ESFELLER**  
**In Proper Person**

[REDACTED]  
Baton Rouge, LA 70820  
[REDACTED]

**PLEASE SERVE:**

**LOUISIANA STATE UNIVERSITY BOARD OF SUPERVISORS, ET AL.**

Through their attorney of record

Taylor Carroll

445 North Blvd.

Suite 701

Baton Rouge, LA 70802

**MELISSA MOORE**

B39 Hodges Hall

Baton Rouge, LA 70803

TERRANCE PATRICK ESFELLER

:19<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

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BOARD OF SUPERVISORS FOR  
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and ALEX BOND, in their official and individual  
capacities as Managing Editors of The Daily  
Reveille

: EAST BATON ROUGE PARISH, LA

: STATE OF LOUISIANA

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**ORDER**

Considering the above Petition for Damages:

IT IS ORDERED that the BOARD OF SUPERVISORS FOR LOUISIANA STATE  
UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE, MICHAEL  
MARTIN, DR. JOHN M. HAMILTON, JAMES E. SHELLEDY, MELISSA MOORE, THE  
DAILY REVEILLE, KYLE WHITFIELD, TYLER BATISTE, GERRI SAX, AND ALEX  
BOND, show cause on the 31<sup>st</sup> day of March, 2009, at 10:00 AM/PM why a  
preliminary injunction in favor of the Plaintiff should not be rendered in the above captioned matter.

Signed at Baton Rouge, East Baton Rouge Parish, Louisiana, on this 18<sup>th</sup> day of

March, 2009.

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DISTRICT JUDGE