

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

JOHN W. OLLER, JR.

CIVIL ACTION NO. 611-CV-02207

VERSUS

JUDGE RICHARD T. HAIK, SR.

NANCY C. ROUSSEL, individually and in her official capacity as Head of the Department of Communicative Disorders at the University of Louisiana at Lafayette; A. DAVID BARRY, individually and in his official capacity as Dean of College of Liberal Arts at the University of Louisiana at Lafayette, MARTIN J. BALL, Individually, Professor of Communicative Disorders at the University of Louisiana at Lafayette

MAGISTRATE C. MICHAEL HILL

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ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT

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NOW INTO COURT, through undersigned counsel come Defendants, Nancy Roussel, individually and in her official capacity as the Head of the Department of Communicative Disorders for the University of Louisiana at Lafayette, A. David Barry, individually and in his official capacity as the Dean of the College of Liberal Arts for the University of Louisiana at Lafayette, and Martin J. Ball, Individually and in his capacity as a Professor of Communicative Disorders at the University of Louisiana at Lafayette, who in Answer to the First Amended Complaint of John W. Oller, Jr. aver the following:

PLAINTIFF

8.

Except to admit John W. Oller, Jr., is a resident of Lafayette, Louisiana and he was the Dors B. Hawthorne/Board of Regents Support Fund Endowed Professor IV of the CODI

Department at the University of Louisiana at Lafayette, the allegations contained in Paragraph 8 of Plaintiff's First Amended Complaint are denied.

12.

The allegations contained in Paragraph 12 of Plaintiff's First Amended Complaint are denied for lack of sufficient information to justify a belief therein.

18.

Except to admit Dr. Oller was recruited to UL by Professor Jack Damico and others and participated in the design of the Ph.D Program, the allegations contained in Paragraph 18 of Plaintiff's First Amended Complaint are denied.

60.

Except to admit Plaintiff was asked not to use his textbook as a primary text for CODI courses 274 and 118 because these classes were multi-section courses requiring a different text book, the allegations contained in Paragraph 60 of Plaintiff's First Amended Complaint are denied. In further answering, Defendants aver that it is common practice and known by all professors that they can use different textbooks as a secondary source in their courses.

78.

Except to admit that Dr. Oller has been classified as a Track 3 and 4 professor, the allegations contained in Paragraph 78 of Plaintiff's First Amended Complaint are denied.

90.

The allegations contained in Paragraph 90 of Plaintiff's First Amended Complaint are denied.

92.

Except to admit Dr. Oller is a tenured faculty member n the UL CODI Department, the allegations contained in Paragraph 92 of Plaintiff's First Amended Complaint are denied for lack of sufficient information to justify a belief therein.

98.

The allegations contained in Paragraph 98 of Plaintiff's First Amended Complaint are denied for lack of sufficient information to justify a belief therein.

100.

The allegations contained in Paragraph 100 of Plaintiff's First Amended Complaint are denied.

104.

The allegations contained in Paragraph 104 of Plaintiff's First Amended Complaint are denied.

116.

The allegations contained in Paragraph 116 of Plaintiff's First Amended Complaint are denied.

126.

The allegations contained in Paragraph 126 of Plaintiff's First Amended Complaint are denied for lack of sufficient information to justify a belief therein.

130.

The allegations contained in Paragraph 130 of Plaintiff's First Amended Complaint are denied.

**FOURTH CAUSE OF ACTION**

**DEFAMATION**

133.

Defendants re-allege and incorporate herein, as though fully set forth, paragraphs 1-130 of the Answer and Answer to Plaintiff's First Amended Complaint.

134.

The allegations contained in Paragraph 134 of Plaintiff's First Amended Complaint are denied.

135.

The allegations contained in Paragraph 135 of Plaintiff's First Amended Complaint are denied.

136.

The allegations contained in Paragraph 136 of Plaintiff's First Amended Complaint are denied.

137.

The allegations contained in Paragraph 137 of Plaintiff's First Amended Complaint are denied.

138.

The allegations contained in Paragraph 138 of Plaintiff's First Amended Complaint are denied.

139.

Defendants join in Plaintiff's demand for trial by jury.

**AND NOW**, further answering Plaintiff's Complaint, Defendants aver the following:

140.

Defendants hereby re-assert, re-allege and incorporated herein, as though fully set forth, the Affirmative Defenses asserted in the Original Answer.

141.

**AFFIRMATIVE DEFENSE NO. 9**

Defendants plead all statutory and common law immunities to which they are entitled, specifically including qualified privilege as a defense to defamation.

142.

**AFFIRMATIVE DEFENSE NO. 10**

Defendants plead truth as an absolute defense to defamation claims.

**WHEREFORE**, premises considered, Defendants respectfully pray that this Answer be deemed good and sufficient, that it be filed into the records of these proceedings, and after all legal delays are had, and appropriate proceedings are conducted herein, that there be a judgment in favor of the defendants, Nancye Roussel, individually and in her official capacity as the Head of the Department of Communicative Disorders for the University of Louisiana at Lafayette, A. David Barry, individually and in his official capacity as the Dean of the College of Liberal Arts for the University of Louisiana at Lafayette, and Martin J. Ball, Individually and in his capacity as a Professor of Communicative Disorders at the University of Louisiana at Lafayette dismissing Plaintiff's Original Complaint at Plaintiff's costs.

Respectfully submitted,

**JAMES D. "BUDDY" CALDWELL  
ATTORNEY GENERAL**

By: /s/Cearley W. Fontenot  
**STEPHEN J. OATS, Bar Roll No. 2018**  
**CEARLEY W. FONTENOT, Bar Roll No. 30502**

**Special Assistant Attorney General**  
OATS & MARINO  
Suite 400, Gordon Square  
100 East Vermilion Street  
Lafayette, Louisiana 70501  
(337) 233-1100

**ATTORNEYS FOR DEFENDANTS, Nancye C.  
Roussel, A. David Barry and Martin J. Ball**

**CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2013, I electronically submitted the foregoing document to the Clerk of Court via the CE/ECF system, which will send notification of such filing to the following:

Mr. John B. Wells

[johnlawesq@msn.com](mailto:johnlawesq@msn.com)

/s/ Cearley W. Fontenot

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**CEARLEY W. FONTENOT**

