

MEMORANDUM IN SUPPORT OF MOTION TO AMEND COMPLAINT

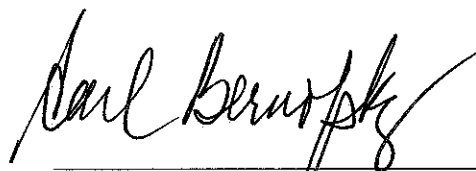
Upon information received from counsel representing the Louisiana Land Trust, Mr. Victor J. Franckiewicz, Jr., of the New Orleans law firm of Butler, Snow, et al., PLLC:

“Road Home Corporation is a nonprofit corporation whose formation was authorized by statute. La. R.S. §§ 40:600.61 through 600.68. Despite the name similarity to the Road Home **Program**, Road Home **Corporation** has no authority over, nor any role in, the Road Home Program grant process. Those functions are handled entirely by the State of Louisiana (through the Office of Community Development and its contractors). Unfortunately, Road Home Corporation is, on occasion, mistakenly named in lawsuits such as yours, where the real dispute is with the Road Home Program rather than the Road Home Corporation.”

[Bold emphasis in the original. See: Exhibit U, attached]

Plaintiffs concur with the counsel representing the Louisiana Land Trust and, accordingly, hereby move to remove The Road Home Corporation as a named defendant in plaintiffs' Complaint. Other named defendants are not affected by this action.

Respectfully submitted,



CARL BERNOFSKY
In propria persona
109 Southfield Road, Apt. 51H
Shreveport, Louisiana 71105
Tel: (318) 869-3871
E-Mail: cbernof@aol.com


SHIRLEY G. BERNOFSKY

In propria persona

109 Southfield Road, Apt. 51H


Shreveport, Louisiana 71105

Tel: (318) 869-3871

E-Mail: sbernof@aol.com

CERTIFICATE OF SERVICE

The undersigned certifies that on this 28th day of December 2009, a copy of the above and foregoing was forwarded to all defendants by depositing a copy of same in the United States mail, properly addressed, postage prepaid, and certified with return receipt. A copy of this document was also delivered to the Clerk of Court for use in the CM/ECF System for filing.


CARL BERNOFSKY

Subj: **Bernofsky v. Road Home Corporation, et al.**
Date: 12/19/2009 12:18:43 PM Central Standard Time
From: Vic.Franckiewicz@butlersnow.com
To: cbernof@aol.com, sbernof@aol.com
CC: mtaylor@lalandtrust.us, skleinpeter@lalandtrust.us
Dear Dr. and Mrs. Bernofsky:

I represent the Louisiana Land Trust (LLT), formally known as Road Home Corporation. Mike Taylor, Executive Director of LLT, received your letter of December 15, 2009 and its accompanying Request to Waive Service of Summons in your Road Home Program lawsuit. He referred it to me for further handling. I have signed the waiver and am sending the hard copy to you under separate cover.

Please allow me to take this opportunity to explain LLT's position, which is that we are not the right target of your lawsuit because LLT is not involved in the Road Home Program's grant process. I would be happy to discuss this with you at your convenience, and hope you will bear with the length of this e-mail. Please let me know if you need copies of any documents I cite in this e-mail.

Road Home Corporation is a nonprofit corporation whose formation was authorized by statute. La. R.S. . 40:600.61 through 600.68. Despite the name similarity to the Road Home **Program**, Road Home **Corporation** has no authority over, nor any role in, the Road Home Program grant process. Those functions are handled entirely by the State of Louisiana (through the Office of Community Development and its contractors). Unfortunately, Road Home Corporation is, on occasion, mistakenly named in lawsuits such as yours, where the real dispute is with the Road Home Program rather than the Road Home Corporation.

The Road Home Program is designed to provide compensation to Louisiana homeowners affected by Hurricane's Rita and Katrina. This is done in accordance with "Action Plans" developed by the Louisiana Recovery Authority (LRA). LRA's enabling legislation is La. R.S. .49:220.2, et seq., which directs LRA to

develop proposals related to the recovery, including CDBG proposals, Action Plans, Partial Action Plans, amendments to Action Plans or Partial Action Plans, or any other method utilized for the allocation of dollars for the use of Community Development Block Grant or other funds provided for the recovery

La. R.S. . 49.220.5(C)(1)(a). The Action Plans referred to in this passage are products of a statutorily defined approval process. After LRA's approval, they must be approved by the Governor, the Joint Legislative Committee on the Budget, the appropriate oversight committees of the House and the Senate, and (if the budgetary impact exceeds \$10 million), the full legislature. . 49:220.5(C)(1)(b). After approval by the legislature, the Governor is required to submit the proposal to HUD or other appropriate federal authorities for approval. . 49:220.5(C)(1)(c).

The Road Home Program allows eligible homeowners to choose one of three options for their grant:

- Option 1: Stay. Applicant elects to receive compensation and agrees to sign a grant agreement, covenant agreement.
- Option 2: Buyout and Relocate in Louisiana. Applicant chooses to sell their home to the State and becomes an owner-occupant in another home in the State of Louisiana.
- Option 3: Sell and move out of Louisiana or sell and not purchase a new house (i.e. applicant becomes a renter).

LLT's role begins only after the Road Home Program completes its work, and then only

Exhibit U
Bernofsky v. Road Home

for the Option 2 and 3 properties purchased by the Road Home Program. At the end of the grant program for the affected homeowner, those properties are conveyed to LLT (under its formal name, Road Home Corporation), which is responsible for disposing of the properties. In relevant part, R.S. 40:600.63 describes LLT's purpose as the "disposition . . . of housing stock . . . as described in The Road Home . . . as such action plan hereafter may be amended, supplemented, or otherwise modified." In a nutshell, we take damaged properties abandoned by their former owners, abate environmental hazards, demolish the derelict structures, and return the properties to commerce. More information (and an inventory of our 10,000 properties) is available on our web site, www.lalandtrust.us. Our role is also described in the Action Plan Amendment No. 20, which is available from the LRA website at: <http://www.doa.louisiana.gov/cdbg/dr/plans/Amend20-Approved-Property-Disposition-08-08-13.pdf>.

Because LLT's work does not begin until after the entire Road Home Program process is completed, and because the only support LLT has is federal disaster funding to manage, demolish, and dispose of the properties, LLT is not an appropriate defendant in your lawsuit. In light of this information, I hope you will consider voluntarily dismissing LLT, leaving you to pursue your claims against the remaining defendants.

At your convenience, I would appreciate the opportunity to discuss this with you in hopes of avoiding unnecessary litigation. I am best reached on my cell phone, 228-424-4037. It is OK to call in the evening or on weekends, but I will be tied up the rest of today.

Victor J. Franckiewicz, Jr.

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(504) 585-7383 New Orleans
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About Butler Snow

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

CARL BERNOFSKY and
SHIRLEY G. BERNOFSKY

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VERSUS

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CIVIL ACTION NO.

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THE ROAD HOME CORPORATION,
ICF EMERGENCY MANAGEMENT
SERVICES, LLC, LOUISIANA RECOVERY
AUTHORITY, and LOUISIANA DIVISION
OF ADMINISTRATION THROUGH THE
OFFICE OF COMMUNITY DEVELOPMENT

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5:09-CV-01919-TS-MLH

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ORDER

Considering the *Motion to Amend Complaint With Incorporated Memorandum*, filed *in propria persona* by plaintiffs Carl Bernofsky and Shirley G. Bernofsky:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant, The Road Home Corporation, now doing business as Louisiana Land Trust, be, and hereby is **REMOVED** as defendant from Complaint filed by plaintiffs Carl Bernofsky and Shirley G. Bernofsky.

Shreveport, Louisiana, this _____ day of December 2009.

UNITED STATES DISTRICT JUDGE

Subj: **Bernofsky v. Road Home Corporation, et al.**
Date: 12/19/2009 12:18:43 PM Central Standard Time
From: Vic.Franckiewicz@butlersnow.com
To: cbernof@aol.com, sbernof@aol.com
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

CARL BERNOFSKY and
SHIRLEY G. BERNOFSKY

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VERSUS

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CIVIL ACTION NO.

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OF ADMINISTRATION THROUGH THE
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ORDER

Considering the *Motion to Amend Complaint With Incorporated Memorandum*, filed
in propria persona by plaintiffs Carl Bernofsky and Shirley G. Bernofsky:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant, The
Road Home Corporation, now doing business as Louisiana Land Trust, be, and hereby is
REMOVED as defendant from Complaint filed by plaintiffs Carl Bernofsky and Shirley G.
Bernofsky.

Shreveport, Louisiana, this _____ day of December 2009.

UNITED STATES DISTRICT JUDGE