

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 2020-03606

DIVISION "J"

RAMELLI JANITORIAL SERVICE, INC.

VERSUS

IV WASTE, LLC

FILED: _____

DEPUTY CLERK

RECONVENTIONAL DEMAND OF IV WASTE, LLC

NOW INTO COURT, through undersigned counsel, comes IV Waste, LLC ("IV Waste"), defendant in the captioned case, and reiterates all of the allegations of fact and affirmative defenses contained in its original Answer and Affirmative Defenses, and assuming the position of Plaintiff-in-Reconvention, respectfully shows.

ORLEANS PARISH INCIDENTS

1.

Upon information and belief, in 2018, Empire Janitorial Sales & Services, LLC ("Empire") was the contractor for the City of New Orleans for removal of residential and commercial garbage and trash in the French Quarter.

2.

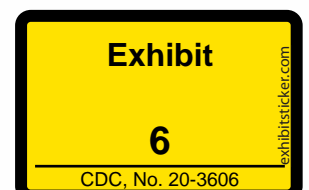
While being the contractor for the City of New Orleans, Empire sub-contracted with Ramelli Janitorial Services, Inc., and/or Ramelli Waste, LLC ("Ramelli") for the removal of residential and commercial garbage and trash in the French Quarter.

3.

At the same time Empire was the contractor for the City of New Orleans, IV Waste contracted with certain commercial customers in the French Quarter to pick up and haul their commercial trash and garbage.

4.

Around March, 2018, IV Waste learned that employees, representatives and/or agents of Ramelli were illegally placing residential and commercial solid waste next to IV Waste customer's



garbage cans in the French Quarter with the intention of tricking IV Waste into collecting this solid waste and disposing of it at its expense.

5.

This illegal activity came to IV Waste's attention from one of its customers who provided video footage of one or more employees, representatives and/or agents of Ramelli placing residential and commercial solid waste next to IV Waste customer's garbage cans for collection and disposal at the expense of IV Waste.

6.

Specifically, the video footage shows Ramelli employees, representatives and/or agents emptying trash from the cans they were contractually obligated to haul away into a separate trash bag and then placing this trash bag next to an IV Waste customer's can for collection and disposal by IV Waste.

7.

The video footage also shows Ramelli employees representatives, and/or agents taking two bags filled with trash from the back of a Ramelli garbage truck and placing these bags next to an IV Waste customer's can.

8.

This incident was formally brought to the attention of the City of New Orleans on or around March 20, 2018, and again on March 26, 2018

9.

This incident was also formally brought to the attention of counsel for Empire on or around March 26, 2018.

10.

It is unknown to IV Waste how many times Ramelli employees, representatives and/or agents unlawfully took the waste it was contracted to haul away and instead dumped said residential and commercial solid waste into or next to IV Waste customer's cans for collection and disposal.

11.

On April 3, 2018, Ramelli acknowledged and admitted its wrongful activity in a letter to Mr. Sidney Torres, IV. (See attached Exhibit A).

12.

IV Waste has been substantially damaged due to the unlawful activities of Ramelli and any of its employees, representatives and/or agents for whom it is responsible, and is entitled to damages, including but not limited to, reimbursement for any and all costs associated with Ramelli's conduct.

JEFFERSON PARISH INCIDENTS

13.

On or around May 1, 2020, IV Waste and the City of Kenner entered into a contractual arrangement for collection and disposal of solid waste.

14.

One of the primary obligations of that arrangement was to collect the solid waste, the garbage, put it in a truck provided and staffed by IV Waste and deliver that trash to a particular local landfill with which the City of Kenner had separately contracted to accept the trash

15.

Prior to IV Waste's contract with the City of Kenner, Ramelli had a non-exclusive contractual arrangement with the City of Kenner to pick up the solid waste and put it in a truck provided and staffed by Ramelli, and deliver that trash to a particular local landfill with which the City of Kenner had separately contracted to accept the trash.

16.

Ramelli's contract with the City of Kenner was terminated effective on or about April 20, 2020.

17.

In July, 2020, following IV Waste entering into a contractual arrangement with the City of Kenner, a former employee of IV Waste, Terry Johnson ("Johnson"), contacted a current employee of IV Waste, Jerome Rivera ("Rivera")

18.

Johnson contacted Rivera requesting to meet him at the Kenner recycling yard so that Johnson could take pictures of the recycling operation.

19.

Rivera did not meet Johnson at the Kenner recycling yard.

20.

Following this communication, Johnson again contacted Rivera asking him to come to Ramelli's office to meet with David Starks ("Starks").

21.

Rivera was asked by Starks if he had any information concerning the recycling activities of IV Waste. Rivera advised Starks that he had nothing to do with recycling.

22.

At this meeting, Starks offered Rivera a job as a supervisor working for Ramelli on the east bank of Jefferson Parish.

23.

Rivera did not accept the job as a supervisor for Ramelli, and remains currently employed by IV Waste.

24.

Upon information and belief, Johnson was/is being paid to follow IV Waste vehicles in the City of Kenner.

25.

Upon information and belief, other individuals other than Johnson were/are being paid to follow IV Waste vehicles in the City of Kenner.

UNFAIR TRADE PRACTICES

26.

IV Waste incorporate the preceding paragraphs as if fully set forth herein.

27.

The Louisiana Unfair Trade Practices Act ("LUTPA") prohibits all "unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce." La. R.S. 15:1405(A). A trade or practice is unfair when it offends public policy, when the practice is immoral, unethical, oppressive, unscrupulous or substantially injurious to customers, or when the practice involves fraud, misrepresentation, deception, breach of fiduciary duty, or other unethical conduct. *Hu v. Evergreen of the S., Inc.*, 2012 La. App. Unpub. LEXIS 805, *38, 2011-2170 (La.App. 1 Cir. 12/17/12);, 2012 WL 6570679. Any person who suffers ascertainable economic loss

as a result of an unfair trade practice under La. R.S. 15:1405 has a right of action for unfair trade practices under the statute. La. R.S. 51:1409.

28.

Examples of conduct which give rise to a LUTPA cause of action include fraud, misrepresentation, and deceitful business practices.

29.

Ramelli has engaged in prohibited LUTPA substantially injurious conduct in the course of its dealings with IV Waste.

30.

Ramelli has engaged in conduct that offends established public policy with respect to its unlawful dumping of trash into the cans of IV Waste customers, surreptitious communications with IV Waste employees, and unlawful surveillance of IV Waste.

31.

Ramelli actions constitute an unfair trade practice under the LUPTA. Ramelli's action were/are oppressive, substantially injurious to IV Waste, deceptive, and constitute unfair trade practices within the meaning of La. R.S. 51:1409.

32.

The foregoing unfair trade practices caused and continue to cause damages to IV Waste, thereby entitling IV Waste to recover compensable damages, treble damages, and attorney's fees, the amount of which will be shown at trial.

WHEREFORE, plaintiff-in-reconvention, IV Waste, LLC, respectfully prays that defendant-in-reconvention, Ramelli Janitorial Service, Inc., be cited to appear and answer the allegations contained herein, and that after due proceedings, there be judgment rendered in favor of IV Waste, LLC and against defendant-in-reconvention, for those damages as are reasonable in the premises, including exemplary damages, for interest thereon from the date of judicial demand until paid, for all costs of these proceedings, and for any further and other legal and equitable relief as the Court deems necessary and proper.

Respectfully Submitted:

BERRIGAN LITCHFIELD, LLC

BY:



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Counsel for IV Waste, LLC

PLEASE SERVE:

Ramelli Janitorial Services, Inc.
Through its registered agent for service of process:
Robert C. Ramelli
7136 Washington Ave
New Orleans, LA 70125

RAMELLI WASTE, LLC

*P.O. Box 51193
New Orleans, LA 70151
ramelliwaste@ramelli.com*

(504) 482-2040 Phone

www.ramelli.com

(504) 484-0579 Fax

April 03, 2018

Mr. Sidney Torres IV
1000 Bourbon St.
Suite 275
New Orleans LA 70116

Dear Mr. Torres IV:

This letter will serve as a formal apology from Ramelli Waste to IV Waste and its' Customers.

At Ramelli Waste we take pride in ensuring service satisfaction. Unfortunately, we did not meet your - or our own - expectations. Thank you for bringing this matter to my attention, so I can ensure that this doesn't happen again.

Upon thorough review of the situation, we narrowed the cause to our employees not following company policy and established collection procedures. As a testament to our commitment to strive for service satisfaction, we have taken the following steps to ensure that this will not happen again:

1. The Collection Crew Supervisor employment with Ramelli Waste has been terminated;
2. All other employees that worked this Collection Crew have been reassigned to other service areas;
3. The current crew has been trained in the proper collection and disposal procedures.

I am committed to providing service satisfaction to the City of New Orleans, and being a responsible Community partner. I will contact you shortly to arrange a meeting to personally apologize for any inconvenience you have experienced.

Sincerely,


Robert Ramelli
Owner

