



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY THE
SUPREME COURT OF TEXAS**

**IN THE MATTER OF
KENNETH M. PLAISANCE,
STATE BAR CARD NO. 24045166**

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CAUSE NO. 69894

ORDER ON RESPONDENT'S MOTIONS

On this day, the Board of Disciplinary Appeals considered the request for an extension of time filed by letter by Respondent Kenneth M. Plaisance on March 19, 2025. The Board construes this letter as a motion for extension of time to file a responsive pleading to the Second Amended Order to Show Cause and Petition for Reciprocal Discipline in the above-styled matter. The Board also considered three separate motions filed by Respondent on March 19 and 21, 2025 that, among other relief, seek dismissal of this reciprocal discipline action. The Board finds and orders as follows:

1. Pursuant to the proof of service filed by Petitioner, Respondent received via certified mail the Second Amended Order to Show Cause and Second Amended Petition on March 10, 2025. Pursuant to TRDP 9.02, a respondent's answer or responsive pleading must be filed thirty days from the date of the mailing of the order to show cause. The proof of service filed by Petitioner does not indicate when the Second Amended Order to Show Cause was mailed, though the cover letter is dated February 27, 2025. Assuming without deciding that the Order to Show Cause was mailed on the date indicated in the cover letter, Respondent's answer would be due on Monday, March 31, 2025. TRDP 9.02, 1.03(C).

2. On March 19, 2025, Respondent filed a document titled Made Respondent Motion to Dismiss. On March 21, 2025, Respondent filed two documents. One is untitled but contains a heading that reads Cases Involving Texas Disciplinary Counsel and Online Defamation of Attorneys. The second is titled Motion to Dismiss the Original and First Amended Petition for Reciprocal Discipline. In these pleadings, Respondent asserts, among other matters, that due process was lacking in the underlying disciplinary matter in Louisiana, that conduct does not warrant identical discipline in Texas, and that conduct occurred more than four years ago and this action is barred under the statute of limitations. Respondent also raises evidentiary objections to exhibits attached to Petitioner's petition(s).

3. Though some of these arguments were, by the title of Respondent's documents, directed at the Original and First Amended Orders to Show Cause, those orders are not the live pleadings in this case. Because Petitioner was unable to serve Respondent with those documents, it filed its Second Amended Petition and was ultimately successful in serving Respondent. Thus, the Second Amended Petition and Order to Show Cause is the live pleading in this matter, though they are functionally identical to the previous versions. Thus, the Board construes the arguments Respondent asserts in response to the Original and First Amended Petitions to Order to Show Cause as operative against the Second Amended Petition and Order to Show Cause, which is the live pleading in this case. *See* TRCP 65; BODA INTERNAL PROCEDURAL RULE 1.03.

4. The Board construes these motions as responsive pleadings within the meaning of TRDP 9.02 as they raise defenses under TRDP 9.04(A) and (D) as well as an argument under TRDP 17.06. Thus, Respondent's request for extension of time asserted in his March 19, 2025, letter is **DISMISSED** as moot.

5. To the extent that Respondent seeks to make additional argument as to defenses under TRDP 9.04 or 17.06, he may do so by filing an amended answer or additional trial briefing no later than ten (10) days before the date of the hearing. *See* BODA Internal Procedural Rule 1.09(c).

6. To the extent that Respondent seeks immediate dismissal of this reciprocal discipline action, such motion is **DENIED**. Pursuant to TRDP 9.03, the Board will determine the case upon the pleadings, the evidence, and the briefs, if any, following a hearing on the matter.

7. Respondent's motion to strike all documents attached to Petitioner's petitions is **DENIED** without prejudice. If during the hearing Petitioner seeks to offer into evidence any of the documents attached to its Second Amended Petition, Respondent may assert any evidentiary objections at that time.

8. To the extent that Respondent seeks to have pleadings in this case removed from the Board of Disciplinary Appeals website, such motion is **DENIED**.

9. Petitioner has indicated that it intends to file a motion for continuance to reset this matter to the July 2025 en banc hearings before the Board and to establish a briefing schedule. The Board requests that any such motion be filed at Petitioner's earliest convenience.

10. Unless otherwise ordered by the Board, the hearing on the Second Amended Petition for Reciprocal Discipline remains set for April 25, 2025, at 9:00 a.m. at the Supreme Court of Texas courtroom, as stated in the Second Amended Order to Show Cause.

Any other relief not expressly granted in this order is denied.

SIGNED this 25th day of March 2025.

A handwritten signature in dark ink, appearing to be 'W. H. H.', is written above a horizontal line.

CHAIR PRESIDING