

19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NUMBER: DIVISION:

BINGHAM MIDDLETON STEWART, TROY HOUSTON MIDDLETON, III, AND
EMILY MIDDLETON SERRANO

VERSUS

BOARD OF SUPERVISORS OF LOUISIANA STATE
UNIVERSITY AND A&M COLLEGE

PETITION

The Petition of Bingham Middleton Stewart, a resident of the full age of majority of East Baton Rouge Parish, Louisiana, Troy Houston Middleton, III, a resident of the full age of majority of Mobile County, Alabama, and Emily Middleton Serrano, a resident of the full age of majority of East Baton Rouge Parish, Louisiana, respectfully represents:

1.

Petitioners are the surviving heirs and, therefore, owners of the Middleton Collection, currently held in the possession of the defendant herein. The Middleton Collection is a vast, invaluable collection of armed services memorabilia and personal family memorabilia from Petitioners' grandfather, General Troy H. Middleton, who served as President of LSU and was a member of its faculty for decades.

2.

Made Defendant herein is the Board of Supervisors of Louisiana State University and A&M College (hereinafter "LSU"), a State entity domiciled in East Baton Rouge Parish, Louisiana, which is justly and truly indebted unto Petitioners for all sums as are reasonable under the premises, legal interest thereon from the date of judicial demand until paid, and all such other relief to which Petitioners are entitled at law or in equity.

3.

On March 23, 1972, General Troy H. Middleton graciously loaned the Middleton Collection to defendant LSU. The Middleton Collection was thereafter displayed at various times over the intervening decades on the LSU campus in various locations. Some of the items were placed in storage locations unknown to Petitioners. At no time were any of the items comprising the Middleton Collection given or otherwise donated to defendant LSU. The sole intended purpose

of the loan of the Middleton Collection was for the education of LSU students and the community at large.

4.

On Friday, June 19, 2020, defendant LSU removed the Middleton name from the LSU Library, publicly proclaiming that defendant LSU intended to permanently distance itself from all things “Middleton.” Over the course of twenty (20) years, defendant LSU removed all of the contents of the Middleton Collection from display at the Library, and, upon information and belief, all contents of the Middleton Collection were placed in storage or kept at Hill Memorial Library.

5.

Petitioners contacted defendant LSU on several occasions seeking return of the Middleton Collection, to no avail. Although in various communications between defendant LSU and Petitioners, defendant LSU relayed to Petitioners several differing excuses why defendant LSU was not immediately returning the Middleton Collection to Petitioners, defendant LSU refused and/or failed to return the Middleton Collection to Petitioners. Among the excuses offered by defendant LSU included that defendant LSU was in the process of boxing up the items, that defendant LSU had transported the Middleton Collection to another building, and that Petitioners would “shortly” be able to retrieve the items there. Petitioners contend, upon information and belief, the excuses offered by defendant LSU were not offered in good faith.

6.

Petitioners continued to request return of the entirety of the Middleton Collection, including advising defendant LSU of the arrangements they had made for physically facilitating the return, all to no avail. These efforts included attempts by Petitioners on February 23, 2021, advising defendant arrangements had been made with staff from the 45th Infantry Museum to travel to LSU and retrieve a portion of the Middleton Collection involving General Middleton’s service with the 45th Infantry and re-house the items in Oklahoma City, with Petitioners retrieving the balance of the Middleton Collection. On April 14, 2021, defendant LSU finally responded to Petitioners’ repeated attempts to retrieve the Middleton Collection and, at that time, defendant LSU advised it would be “keeping” approximately one-half of the Middleton Collection, to which assertion Petitioners immediately objected.

7.

Petitioners allege upon information and belief that defendant LSU's sudden about face in now refusing to return and instead "keeping" a large portion of the Middleton Collection was on account of the requests by a handful of prominent donors to and alumni of defendant LSU who, instead, wanted to take a large portion of the Middleton Collection to use for a newly-created/to-be-created (at great donor expense) LSU Military Museum located in the Memorial Tower on the LSU campus. At no time did Petitioners consent to the use or display of the Middleton Collection, or any portion thereof, in the LSU Military Museum located in the newly renovated Memorial Tower and, instead, continued to insist upon return of the entire Collection.

8.

Contrary to Petitioners' requests, defendant LSU instead failed and/or refused to return the Middleton Collection to Petitioners (the family), and plans to prominently display and feature several pieces from the Middleton Collection in the LSU Military Museum. Indeed, defendant LSU has promoted the LSU Military Museum by showing several items belonging to Petitioners which were part of the Middleton Collection.

9.

Petitioners seek and are entitled to immediate return of the entirety of the Middleton Collection. Petitioners show defendant LSU has converted the contents of the Middleton Collection to its own use and purposes for which defendant LSU is liable in tort to Petitioners for conversion and/or, alternatively, trespass to chattel.

10.

Petitioners show that defendant LSU made numerous public statements disparaging General Middleton's character and publicly professing defendant LSU's disavowal of General Middleton from any part of defendant LSU's history. As a result, Middleton's name was removed from the former LSU Middleton Library. However, the Middleton Collection remains in defendant LSU's possession and defendant LSU is apparently now recognizing the value of the Middleton Collection, has converted the Middleton Collection to its own use, clearly contradicting its public disavowal of anything "Middleton."

11.

As a result of defendant LSU's actions described herein, not only have Petitioners been deprived of their ownership and use of the Middleton Collection, but they have also sustained

damages which include, but are not limited to, extreme humiliation and embarrassment, deprivation of use and ownership, reduction/diminution in value of their property, inconvenience, severe emotional distress and mental anguish, and such other damages for which Petitioners sue herein and as will be more fully shown at trial.

12.

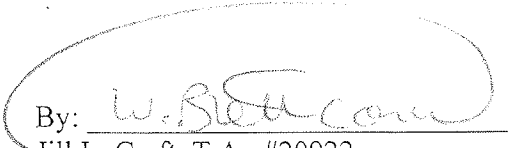
Petitioners are entitled to all such other relief afforded them at law or in equity.

13.

Petitioners are entitled to and desire trial by jury of this matter.

WHEREFORE, Petitioners, Bingham Middleton Stewart, Troy Houston Middleton, III, and Emily Middleton Serrano, pray for trial by jury and after due proceedings are had there be Judgment herein in their favor against Defendant, Board of Supervisors of Louisiana State University and A&M College, for all sums as are reasonable under the premises, all costs of these proceedings, legal interest thereon from the date of demand until paid, and all such other relief to which Petitioners are entitled at law or in equity.

Respectfully submitted,

By: 

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