

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**WALTER POWERS, JR., et al.**  
**Plaintiffs**

**CIVIL ACTION**

**VERSUS**

**NO. 13-5993**

**NEW ORLEANS CITY, et al.**  
**Defendants**

**SECTION "E"**

**ORDER**

While this matter was pending in state court, Plaintiffs' request for a hearing on its "preliminary injunction against the defendants (and their agents and their assigns)" was granted, and the hearing was set for October 11, 2013, at 9:00 a.m.<sup>1</sup> The Court does not wish removal to deprive Plaintiffs of the hearing date they requested, so the Court will retain the same hearing date (October 11, 2013) and hearing type (evidentiary, with testimony, against the City of New Orleans, Mitchell J. Landrieu in his official capacity, the City Civil Service Commission, Kevin W. Wildes in his official capacity, and Ronal W. Serpas in his official capacity). Accordingly,

**IT IS ORDERED** that a hearing on Plaintiffs' request for a preliminary injunction against all defendants to enjoin them from enforcing New Orleans City Council Ordinance Cal. Nos. 29,470; 29,471; 29-656; and 29,657 and 17271 M.C.S. 90-121 and 90-122 is set for **October 11, 2013, at 9:00 a.m.** in the courtroom of Judge Susie Morgan, Room C-316, 500 Poydras Street, New Orleans, Louisiana, 70130, at which all parties must appear.

**IT IS FURTHER ORDERED** that the parties shall exchange and file in the

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<sup>1</sup> R. Doc. No. 1-2, p. 19.

record witness and exhibit lists by **October 8, 2013, at 5:00 p.m.**

**IT IS FURTHER ORDERED** that each party shall file a brief supporting or opposing Plaintiffs' request by **October 8, 2013, at 5:00 p.m.**

**IT IS FURTHER ORDERED** that any person or entity wishing to intervene must file a motion to do so by **October 8, 2013, at 5:00 p.m.**, at which time the putative intervenor must also file a witness and exhibit list as well as a brief supporting or opposing Plaintiffs' request.

**IT IS FURTHER ORDERED** that a copy of all exhibits proposed to be used must be delivered to the Court by **October 9, 2013, at 9:00 a.m.**

**IT IS FURTHER ORDERED** that any party wishing to respond to the brief of another party must file the response by **October 10, 2013, at 5:00 p.m.**

**IT IS FURTHER ORDERED** that all briefs and memoranda shall conform to the following requirements in addition to those found in the Local Rules. Any brief or memorandum that has more than 10 pages must contain all items listed below. Briefs and memoranda that are 10 pages or less must contain items (3), (4), (6), and (7) listed below.

1. A table of contents setting forth the page number of each section, including all headings designated in the body of the brief or memorandum.
2. A table of citations of cases, statutes, rules, textbooks, and other authorities, alphabetically arranged.
3. A short statement of the nature and stage of the proceeding.
4. A statement of the issues to be ruled on by the Court and, with respect to each issue, a short statement, supported by authority, of the standard of review.
5. A short summary of argument.
6. The argument shall be divided under appropriate headings succinctly setting forth separate points.
7. A short conclusion stating the precise relief sought.

**IT IS FURTHER ORDERED** that any document containing more than 50 pages (including all exhibits and attachments) shall be submitted to the Court in hard copy form, with tabs for exhibits, within 24 hours of filing on CM/ECF. Any party who submits more than five exhibits with a document shall include a table of contents describing each exhibit and which tab corresponds to each exhibit.

**IT IS FURTHER ORDERED** that deadlines, cut-off dates, or other limits fixed herein may be extended only by the Court upon timely motion filed in compliance with the Local Rules and upon a showing of good cause. **The hearing will not be continued, even on joint motion, absent good cause or compelling reason.** Likewise, the hearing will not be continued because of the unavailability of a witness. Counsel should anticipate such possibilities and be prepared to present testimony by written deposition, videotaped deposition, or by stipulation. If, however, a continuance of the hearing is granted, deadlines and cut off dates will be re-set by the Court.

**IT IS FURTHER ORDERED** that counsel for movant(s) shall serve a copy of this order no later than **October 4, 2013, at 5:00 p.m.** on any party who has not yet appeared, as well as any parties who may be added after the date of this order but before the hearing.

**IT IS FURTHER ORDERED** that the Clerk of this Court is ordered to immediately serve a copy of this order by certified and regular mail on:

United States of America  
attn: Roy L. Austin, Jr.  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

and

Fraternal Order of Police, Crescent City Lodge #2  
attn: Walter Powers, Jr.  
c/o Chester Theodore Alpaugh, III  
Guste, Barnett, Schlesinger, Henderson & Alpaugh  
639 Loyola Ave., Ste. 2500  
New Orleans, LA 70113-7103

and

City Civil Service Commission for the City of New Orleans, Parish of New Orleans  
attn: Kevin W. Wildes  
c/o Gilbert R. Buras, Jr.  
Gilbert R. Buras, Jr., Attorney at Law  
710 Carondelet St.  
New Orleans, LA 70130

A deputy clerk of this Court is ordered to e-mail a copy of this order to the parties and to the above entities at roy.austin@usdoj.gov, cta@gustebarnett.com, gburas@buras.com.

**IT IS FURTHER ORDERED** that food and/or drink (including bottled water) shall be prohibited from the Section “E” courtroom (and any other designated “overflow” location); likewise, attendees shall refrain from chewing gum and wearing hats and/or sunglasses in the Section “E” courtroom and shall remove same upon entry. Eating, smoking, and/or reading newspapers or other impertinent books, magazines, etc. in the Section “E” courtroom is strictly prohibited.

**IT IS FURTHER ORDERED** that any attempt to comment on or portray (positively or negatively) an opinion of the evidence, a witness, the attorneys, or the position of any party to these court proceedings through physical gestures; facial

expressions; audible reactions; or pre-planned, organized or orchestrated selection of attire in the courtroom, shall be prohibited. Offenders shall summarily be excused from the courtroom, sanctioned, or both.

**New Orleans, Louisiana, this 4th day of October, 2013.**

  
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**SUSIE MORGAN**  
**UNITED STATES DISTRICT JUDGE**