

MINUTE ENTRY
MORGAN, J.
December 13, 2013

**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"

A status conference was held on the record on December 13, 2013, at 4:30 p.m. in the chambers of Judge Susie Morgan.

Present: Raymond Burkart and Donovan Livaccari on behalf of Plaintiffs, Walter Powers, Jr. and Frederick C. Morton;

Steve Parker (in person) and Christy Lopez, Emily Gunston and Jude Volek (via telephone) on behalf of Intervenor, the United States of America ("United States"); Eric Hessler on behalf of Intervenors, Police Association of New Orleans ("PANO") and Michael Glasser;

Sharonda Williams and Cherrell Simms on behalf of Defendants, the City of New Orleans ("City"), Mitchell J. Landrieu and Ronal W. Serpas;

Gilbert Buras on behalf of Defendants, City Civil Service Commission for the City of New Orleans, Parish of Orleans ("CSC") and Kevin W. Wildes.

The parties discussed the status of the case and discovery. PANO and the United States were directed to file the pleadings required by Federal Rule of Civil Procedure 24(c) by **December 20, 2013, at 5:00 p.m.** All parties represented that they will not present expert testimony, and all parties were directed to file their witness and exhibit lists

by **December 17, 2013, at 5:00 p.m.**

The United States and the City were directed to serve all written discovery by **December 16, 2013, at 5:00 p.m.**, and the United States was directed to respond to the discovery already propounded by Plaintiffs by **December 20, 2013, at 5:00 p.m.**¹ Plaintiffs, PANO, and CSC were directed to respond to any discovery propounded by the City or the United States by **December 23, 2013, at 5:00 p.m.**

The parties were then directed to file any motion to compel, which in light of the expedited nature of this proceeding is to be filed (along with all other discovery motions) before the Court rather than the Magistrate Judge, by **December 27, 2013, at 5:00 p.m.** Oppositions, if any, to any motion to compel must be filed by **January 3, 2014, at 5:00 p.m.** No replies will be permitted.

The time for filing non-evidentiary pretrial motions was extended to **January 10, 2014, at 5:00 p.m.**, and the deadline for filing oppositions, if any, was extended to **January 17, 2014, at 5:00 p.m.** No replies will be permitted.

The pretrial conference was rescheduled for **January 24, 2014, at 2:00 p.m.** Accordingly, the pretrial order is due **January 22, 2014, at 5:00 p.m.**

All provisions of the Court's prior scheduling order, including the pretrial notice, not inconsistent with this order remain in effect. Counsel are to observe the following deadlines as trial approaches:

Deadline for propounding written discovery	December 16, 2013, at 5:00 p.m.
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¹ PANO and CSC represented that they do not intend to serve written discovery.

Witness and exhibit lists	Filed and served upon opponents by December 17, 2013, at 5:00 p.m. Any exhibits to be used solely for impeachment must be presented to the Court for in camera review. See Section IX.10.b of the pretrial notice
Proposal for overall settlement by Plaintiffs and PANO	Delivered to the Magistrate Judge and all parties by December 18, 2013, at 5:00 p.m.
Telephone settlement conference among the Magistrate Judge, the City, and the United States	December 20, 2013, at 11:00 a.m.
Deadline for United States to respond to discovery already propounded by Plaintiffs	December 20, 2013, at 5:00 p.m.
Deadline for the United States and PANO to file pleadings	December 20, 2013, at 5:00 p.m.
Deadline for Plaintiffs to respond to any discovery propounded by the United States or the City	December 23, 2013, at 5:00 p.m.
Depositions	Completed by December 27, 2013, at 5:00 p.m.
Motions to compel	Filed and served by December 27, 2013, at 5:00 p.m.
Responses to motions to compel	Filed and served by January 3, 2014, at 5:00 p.m.
Non-evidentiary pretrial motions and motions in limine regarding the admissibility of expert testimony	Filed and served no later than January 10, 2014, at 5:00 p.m.
Responses/oppositions to non-evidentiary pretrial motions and motions in limine regarding the admissibility of expert testimony	Filed and served by January 17, 2014, at 5:00 p.m.
Pretrial order	Filed and served by January 22, 2014, at 5:00 p.m.

Motions in limine (other than those regarding the admissibility of expert testimony) and memoranda in support	Filed and served no later than January 23, 2014, at 5:00 p.m.
Pretrial conference	January 24, 2014, at 2:00 p.m.
Responses to motions in limine	Filed and served by January 28, 2014, at 5:00 p.m.
Summary of what each party intends to prove and convey to the Court by deposition testimony, along with references to deposition page and line numbers on which each party shall rely, in proving their respective cases (deposition transcripts should also be submitted at this time)	Filed and served by January 28, 2014, at 5:00 p.m. See pretrial notice at p. 7.
Suggested findings of fact and conclusions of law	Filed and emailed to the Court by January 30, 2014, at 5:00 p.m. See pretrial notice at pp. 7-8.
Trial memorandum	Filed and served by January 30, 2014, at 5:00 p.m. See pretrial notice at p. 8.
Objections to exhibits	Filed and served by January 30, 2014, at 5:00 p.m. See pretrial notice at p. 5.
Two copies of joint bench book(s) of tabbed exhibits, with indices of "objected-to" and "unobjected-to" exhibits, identifying which party will offer each exhibit and which witness will testify regarding the exhibit at trial	Delivered to the Court by January 30, 2014, at 5:00 p.m. See pretrial notice at p. 5.
Objections to deposition testimony	Filed and served by January 31, 2014, at 5:00 p.m. See pretrial notice at p. 6.
Responses to objections to exhibits	Filed and served by February 3, 2014, at 5:00 p.m. See pretrial notice at p. 5.
Responses to objections to deposition testimony	Filed and served by February 3, 2014, at 5:00 p.m.

Bench trial	February 5, 2014 (estimated to last 3 days) ²
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IT IS SO ORDERED.

New Orleans, Louisiana, this 16th day of December, 2013.



SUSIE MORGAN
UNITED STATES DISTRICT JUDGE

JS10 (0:30)

² The Court anticipates conducting trial from 8:00 a.m. until 6:00 p.m. at the earliest.