

**MINUTE ENTRY**  
**AFRICK, J.**  
**March 5, 2013**  
**JS-10 01:30**

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

**LASHAWN JONES, ET AL.**

**CIVIL ACTION**

**VERSUS**

**No. 12-859**  
**c/w 12-138**  
**REF: 12-859**

**MARLIN GUSMAN, ET AL.**

**SECTION I**

**ORDER**

A pre-hearing conference was held on this date in the chambers of the undersigned U.S.

District Judge with the following persons in attendance:

Blake J. Arcuri  
Ralph Capitelli  
Laura Coon  
Elizabeth Cumming  
Freeman Rudolph Matthews  
Harry Rosenberg  
Katharine Murphy Schwartzmann  
Sharonda R. Williams

The parties discussed issues related to the April 1 fairness hearing, which they anticipate will last no longer than five days. They also discussed the substance of the May 28 funding hearing. The parties were invited to discuss potential compromises at the settlement conference scheduled below. The City of New Orleans (“City”) and the Sheriff of Orleans Parish (“Sheriff”) are encouraged to explore any common ground that could prevent future injuries and/or deaths.<sup>1</sup>

The pre-hearing order was **NOT** approved by the Court. After reviewing the proposed exhibits, counsel shall submit a revised objections list in accordance with this Court’s instructions

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<sup>1</sup>The April 1 fairness hearing will proceed regardless of any potential compromise. 18 U.S.C. § 3636(a).

**no later than Friday, March 15, 2013.**

**IT IS ORDERED** that any motion to compel the production of an unredacted copy of plaintiffs' proposed exhibit no. 3 and/or any motion requesting a protective order shall be filed on or before **Thursday, March 14, 2013**. Any response shall be filed on or before **Monday, March 18, 2013**.

**IT IS FURTHER ORDERED** that the written stipulations deadline of **Friday, March 15, 2013**, remains intact. Any party intending to provide certifications pursuant to Federal Rule of Evidence 902(11) shall give the other parties notice on or before **Monday, March 11, 2013**, and shall file the certifications on or before **Friday, March 15, 2013**. To the extent stipulations or certifications may address objections due on or before these deadlines, the parties shall engage in good faith communications to avoid unnecessary briefing.

**IT IS FURTHER ORDERED** that the City's request for additional time to complete depositions is **GRANTED**. All depositions shall be completed on or before **Friday, March 15, 2013**.

**IT IS FURTHER ORDERED** that the City shall provide its response to the United States of America's Third Request for Production and Third Set of Interrogatories on or before **Friday, March 8, 2013, at 5:00 p.m.**

**IT IS FURTHER ORDERED** that the City shall submit a memorandum, including appropriate citation to legal authority, regarding the application of the Federal Rules of Evidence to the April 1 fairness hearing on or before **Tuesday, March 12, 2013**.<sup>2</sup> The United States of America, the putative plaintiff class, and/or the Sheriff shall file a response on or before **Tuesday, March 19, 2013**.

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<sup>2</sup>See, e.g., R. Doc. No. 156-2, at p. 14 n.4.

**IT IS FURTHER ORDERED** that the City shall submit a memorandum, including appropriate citation to legal authority, regarding the necessity of providing potential witnesses with counsel and/or instructions regarding their Fifth Amendment rights on or before **Monday, March 11, 2013**. The United States of America, the putative plaintiff class, and/or the Sheriff shall file a response on or before **Thursday, March 14, 2013**.

**IT IS FURTHER ORDERED** that any party that intends to deliver an opening statement shall be afforded 10 minutes in which to do so.

**IT IS FURTHER ORDERED** that any exhibit included in the bench books but not referenced at the hearing shall not be admitted into evidence.

**IT IS FURTHER ORDERED** that the parties shall participate in a settlement conference with the Honorable Martin L.C. Feldman on **Wednesday, March 13, 2013 at 1:30 p.m.** Each party shall submit to his chambers, in confidence, a position letter or memorandum outlining the settlement position of the party, not to exceed three pages, by **Thursday, March 7, 2013 at 12:00 p.m.**

**IT IS FURTHER ORDERED** that, should the putative plaintiff class, the United States of America, and the Sheriff intend to submit an amended version of the proposed consent judgment, they shall provide the Court with a complete copy that incorporates the amendments and includes the signatures of the parties on or before **Monday, March 18, 2013**. Any substantive changes shall be identified in an accompanying memorandum.

New Orleans, Louisiana, March 5, 2013.

  
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**LANCE M. AFRICK**  
**UNITED STATES DISTRICT JUDGE**