

**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**

Before the Court is Plaintiffs' unopposed motion for a continuance of the hearing and briefing deadlines on their motion for a preliminary injunction.<sup>1</sup> As Plaintiffs recognize, the Court's order setting a prompt hearing on their motion "properly manifested this Honorable Court's intent to address expeditiously the preliminary injunction issue."<sup>2</sup> The Court is nevertheless sensitive to the press of business concerns advanced by counsel for Plaintiffs, who are attending a continuing legal education seminar out of town through October 9, 2013. Accordingly, the motion for a continuance is **GRANTED**, and the hearing is reset for **October 18, 2013**, at **9:00 a.m.** in the courtroom of Judge Susie Morgan, Room C-316, 500 Poydras Street, New Orleans, Louisiana, 70130. In light of the importance of a timely resolution of the issues presented by Plaintiffs, no further continuances will be granted.

Plaintiffs shall file their memorandum in support of a motion for a preliminary injunction and their witness and exhibit lists by **October 11, 2013**, at **5:00 p.m.** Defendants shall file their memorandum in opposition and witness and exhibit lists by

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<sup>1</sup> R. Doc. No. 9.

<sup>2</sup> R. Doc. No. 9, p. 3.

**October 15, 2013, at 5:00 p.m.** Plaintiffs may file a reply by **October 17, 2013** , at **5:00 p.m.**

The Police Association of New Orleans (“PANO”) and the United States Department of Justice (“DOJ”) are granted leave to intervene should they so desire. If either wishes to intervene to support Plaintiffs’ motion for a preliminary injunction, it must file its memorandum in support and witness and exhibit list by **October 11, 2013, at 5:00 p.m.** If either wishes to intervene to oppose Plaintiffs’ motion for a preliminary injunction, it must file its memorandum in opposition and witness and exhibit list by **October 15, 2013, at 5:00 p.m.** Intervenors aligned with Plaintiffs may file a reply by **October 17, 2013, at 5:00 p.m.**

Plaintiffs have also filed a motion to remand, which the Court will consider and resolve prior to the preliminary injunction hearing. One issue the remand motion presents, whether the rule of unanimity has been satisfied in this case, requires further information from Defendant City Civil Service Commission for the City of New Orleans, Parish of New Orleans (“CSC”).<sup>3</sup> Accordingly, the CSC is ordered to file and serve notice whether it consents to removal by **October 9, 2013, at 5:00 p.m.**<sup>4</sup>

Any party opposing Plaintiffs’ motion to remand must file its response by **October 11, 2013, at 5:00 p.m.**, in which any such party must also address whether 28 U.S.C. §

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<sup>3</sup> There is also an issue whether the rule of unanimity applies in this case.

<sup>4</sup> The notice of removal sets forth the CSC’s position as: “The Commission’s counsel indicated that there was no jurisdictional basis upon which removal could be predicated because the Commission is not a party to *United States v. City of New Orleans*, USDC Docket No. 12-CV-01924.” R. Doc. No. 1, p. 5. It is for the Court to decide whether or not there is jurisdiction. The CSC is directed to advise whether it consents to removal.

1442 provides a basis for removal. Any party supporting Plaintiffs' motion to remand may file a reply by **October 15, 2013, at 5:00 p.m.** A hearing with argument on this matter only is set for **October 16, 2013, at 10:00 a.m.** in the courtroom of Judge Susie Morgan, Room C-316, 500 Poydras Street, New Orleans, Louisiana, 70130.

Counsel shall observe the following deadlines leading up to the hearing on this matter:

Notice whether the Civil Service Commission consents to removal	Filed and served by <b>October 9, 2013, at 5:00 p.m.</b>
Oppositions to Plaintiffs' motion to remand	Filed and served by <b>October 11, 2013, at 5:00 p.m.</b>
Memoranda in support of Plaintiffs' motion for preliminary injunction	Filed and served by <b>October 11, 2013, at 5:00 p.m.</b>
Witness and exhibit lists of parties supporting Plaintiffs' motion for preliminary injunction	Filed and served by <b>October 11, 2013, at 5:00 p.m.</b>
Replies in support of Plaintiffs' motion to remand	Filed and served by <b>October 15, 2013, at 5:00 p.m.</b>
Oppositions to Plaintiffs' motion for preliminary injunction	Filed and served by <b>October 15, 2013, at 5:00 p.m.</b>
Witness and exhibit lists of parties opposing Plaintiffs' motion for preliminary injunction	Filed and served by <b>October 15, 2013, at 5:00 p.m.</b>
Hearing on Plaintiffs' motion to remand	<b>October 16, 2013, at 11:00 a.m.</b>
Motions <i>in limine</i> to exclude witness or exhibits	Filed and served by <b>October 17, 2013, at 12:00 p.m.</b>
Replies in support of Plaintiffs' motion for preliminary injunction	Filed and served by <b>October 17, 2013, at 5:00 p.m.</b>

Hearing on Plaintiffs' motion for preliminary injunction	<b>October 18, 2013, at 9:00 a.m.</b>
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**New Orleans, Louisiana, this 7th day of October, 2013.**

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