

MINUTE ENTRY
AFRICK, J.
July 29, 2013
JS-10 00:20

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 telephone conference was held on this date with counsel participating on behalf of all parties. Counsel discussed the jail design modification¹ submitted by the Sheriff of Orleans Parish (“Sheriff”).

On July 2, 2013, counsel for the Sheriff and the City of New Orleans (“City”) confirmed that they would commit to a plan relative to the new Orleans Parish Prison (“OPP”) facility on or before Wednesday, July 10, 2013, and that they would advise the Court and the other parties of that plan on or before Thursday, July 11, 2013, at 9:00 a.m.²

In a July 3, 2013 letter, counsel for the City indicated that the City and Sheriff would be able to provide the Court with a time frame in which to address issues relative to the new OPP facility on or before July 10, 2013.

In a July 11, 2013 letter, counsel for the Sheriff indicated that “both the Sheriff and the City agree that the parties should be able to advise the Court of their intentions by Thursday, August 1, 2013.” In response, the Court scheduled a status conference for July 12, 2013. At the status

¹See R. Doc. No. 515.

²R. Doc. No. 495.

conference, in response to the Court's inquiry, the parties agreed that the August 5, 2013 hearing date would not be affected by the additional time requested in the July 11 letter.³

Today, July 29, 2013, the Court was advised by counsel for Class Plaintiffs, the United States of America, and the City that their experts would not be able to review the Sheriff's proposal in time to offer thorough testimony at the August 5 hearing.

The Court suggested, and the parties agreed, that the August 5 hearing date should remain intact. No one contends that the new OPP facility will be operative before the end of the year, and the experts' testimony as to current facilities is unaffected by the Sheriff's modification plan.

The Court will not automatically exclude evidence relative to long-term implementation costs, to the extent such evidence is available, as such evidence will likely assist in future funding determinations by the parties and/or the Court.⁴ An additional hearing date will be necessary, however, to address the costs associated with implementing the consent judgment after the new facility opens.

Class Plaintiffs and the United States of America advised the Court that it was their understanding that the effective date for the consent judgment will remain the date that the Court enters a definitive judgment as to the August 5, 2013 funding hearing. Opposing counsel did not disagree, and the Court confirmed that it shares this understanding.⁵

The parties also discussed the proposed findings of fact and conclusions of law. The Court was advised that counsel for the Sheriff had not yet completed his proposed findings of fact and conclusions of law. Given the importance of this filing, the Court agreed to grant him a short

³R. Doc. No. 501.

⁴See R. Doc. No. 481.

⁵See R. Doc. No. 466, at 6; *id.* at 42.

extension to permit thorough briefing for the benefit of the Court and the other parties. The other parties were also offered a short extension to the extent that it would prove helpful in improving the quality of their submissions.

Accordingly,

IT IS ORDERED that the deadline for the submission of the Sheriff's proposed findings of fact and conclusions of law is extended to **Thursday, August 1, 2013, at 9:00 a.m.** The deadline for the other parties' submissions is extended to **Tuesday, July 30, at 12:00 p.m.**

IT IS FURTHER ORDERED that a funding hearing is scheduled for **Monday, September 30, 2013, at 8:30 a.m.** to address the consent judgment's future costs associated with the operation of the new OPP facility.

IT IS FURTHER ORDERED that the parties shall submit a proposed scheduling order, including a meet and confer date, for the September 30 hearing on or before **Friday, August 2, 2013.**

New Orleans, Louisiana, July 29, 2013.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE