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U.S. DISTRICT COURT  
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**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**HAYES WILLIAMS, ET AL  
VERSUS  
JOHN J. MCKEITHEN, ET AL**

**CIVIL ACTION NO. 71-98-B**

**IN RE: JUVENILE FACILITIES**

**CIVIL ACTION NO. 97-0001-B-1**

**IN RE: TALLULAH CORRECTIONAL  
FOR YOUTH**

**CIVIL ACTION NO. 97-0655-B-1**

**IN RE: JETSON CORRECTIONAL CENTER  
FOR YOUTH**

**CIVIL ACTION NO. 97-0666-B-1**

**IN RE: SWANSON CORRECTIONAL CENTER  
FOR YOUTH**

**CIVIL ACTION NO. 97-0667-B-1**

**IN RE: LOUISIANA TRAINING INSTITUTE  
- BRIDGE CITY**

**CIVIL ACTION NO. 97-0668-B-1**

**BRIAN B, ET AL  
VERSUS  
RICHARD STALDER, ET AL**

**CIVIL ACTION NO. 98-886**

**MEMORANDUM IN OPPOSITION  
TO MOTION TO CONSOLIDATE**

This memorandum is submitted on behalf of defendants Richard Stalder, Secretary of the Louisiana Department of Public Safety & Corrections; Richard Thompson, Director of Office of Youth Development; Cecil Picard, Superintendent of the Louisiana Department of Education; Glenn Lee Buquet, President of the Louisiana State Board of Elementary and Secondary Education; Lester Klotz, Superintendent of Special School District One; David Hood, Secretary of the Louisiana Department of Health and Hospitals; and Gary Gremillion, acting warden of the Tallulah Correctional Center for Youth (collectively, the "State Defendants") in opposition to the Motion to Consolidate filed by the United States Department of Justice



C: FJP

On November 5, 1998, the Department of Justice filed a lawsuit alleging violations of the United States Constitution, Individuals with Disabilities Act ("IDEA"), the Americans with Disabilities Act ("ADA"), and Section 504 of the Rehabilitation Act of 1973 ("Section 504"). The Department of Justice moved to consolidate its action, number 98-947, with *Williams, et al v. McKeithen, et al*, number 71-98 and *Brian B, et al v. Stalder, et al*, number 98-886. The State Defendants oppose this Motion for Consolidation.

Under Federal Rule of Civil Procedure 42(a), a court may order consolidation "when actions involving a common question of law or fact are pending before the court . . .". There is no claim for relief pending in *Williams* concerning unconstitutional conditions of confinement at any of Louisiana's secure juvenile facilities. Therefore, *Williams, Brian B* and the Department of Justice suit do not involve common questions of law or fact pending before the court to support consolidation pursuant to Rule 42 of the Federal Rules of Civil Procedure.

*Williams* is the fountainhead of generations of litigation involving adult and juvenile facilities in Louisiana. Today, however, there is no claim pending in the *Williams* litigation upon which a consolidation can be based with *Brian B* or the Department of Justice lawsuit.

The State Defendants also oppose the consolidation of *In Re: Jena Juvenile Justice Center for Youth*, number 98-804, with any other actions. Wackenhut Corrections Corporation, the owner of Jena Juvenile Justice Center, is not currently a defendant in any of the matters sought to be consolidated. No adversarial proceedings have been filed in number 98-804. The Jena Facility has not opened or begun housing juvenile residents at this time. *In Re: Jena* does not involve any issues of law and fact that are common to *Brian B* or *Williams*. Thus, consolidation regarding the Jena facility is inappropriate.

The State Defendants respectfully submit that *Williams* should not be consolidated with either *Brian B* or the Department of Justice Lawsuit. The State Defendants respectfully submit that *In Re: Jena Juvenile Justice Center* should not be consolidated with any other action.

Respectfully submitted:  
Attorney General  
State of Louisiana


By: 

Richard A. Curry, Assistant Attorney General, #4671  
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CERTIFICATE

I hereby certify that a copy of the above and foregoing Memorandum in Opposition to Motion to Consolidate has been mailed, United States Mail, to David Utter, Louisiana Juvenile Justice Project, 1<sup>st</sup> Floor, 822 Camp Street, New Orleans, Louisiana, 70130; W. Evan Plauche, Hailey, McNamara, Hall, Larmann & Papale, Suite 1400, One Galleria Boulevard, Post Office Box 8288, Metairie, Louisiana 70011-8288; Keith B. Nordyke, 427 Mayflower Street, Baton Rouge, Louisiana, 70802; and Judith Preston, United States Department of Justice, Civil Rights Division, Special Litigation Section, Post Office Box 66400, Washington, D.C. 20035-6400.

Baton Rouge, Louisiana, this 17<sup>th</sup> day of November, 1998.

  
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