

**U. S. District Court
Eastern District of Louisiana (New Orleans)
CIVIL DOCKET FOR CASE #: 2:11-cv-02277-JCZ-SS**

Prison Legal News et al v. Gusman et al
Assigned to: Judge Jay C. Zainey
Referred to: Magistrate Judge Sally Shushan
Cause: 42:1983 Civil Rights Act

Date Filed: 09/09/2011
Date Terminated: 09/18/2012
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Prison Legal News

represented by **Mary E. Howell**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Plaintiff

Human Rights Defense Center

represented by **Mary E. Howell**
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LEAD ATTORNEY
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Elizabeth Cumming
(See above for address)
ATTORNEY TO BE NOTICED

John Nelson Adcock
(See above for address)
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Lance Weber
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PRO HAC VICE

ATTORNEY TO BE NOTICED

V.

Defendant

Marlin Gusman

Sheriff, Orleans Parish

TERMINATED: 10/04/2011

Defendant

Carlos Louque

Warden, House of Detention

represented by **Freeman Rudolph Matthews**
Usry, Weeks & Matthews
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Defendant

Kevin Winfield

Warden, Old Parish Prison

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LEAD ATTORNEY
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ATTORNEY TO BE NOTICED

Timothy R. Richardson

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Defendant

Charles Ezeb

Warden, Temporary Jails

represented by **Freeman Rudolph Matthews**
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Blake J. Arcuri

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Timothy R. Richardson
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ATTORNEY TO BE NOTICED

Defendant

Jerrod Spinney
Warden, Conchetta

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Blake J. Arcuri
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Timothy R. Richardson
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ATTORNEY TO BE NOTICED

Defendant

Bonita Pittman
Warden, Templeman V

represented by **Freeman Rudolph Matthews**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Blake J. Arcuri
(See above for address)
ATTORNEY TO BE NOTICED

Timothy R. Richardson
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Unidentified Party
Mailroom Supervisor, OPSO

Defendant

Unidentified Party
Mailroom Employee, OPSO

Defendant

Marlin N Gusman
*Sheriff of Orleans Parish (erroneously
named as Marlin Gusman)*

represented by **Freeman Rudolph Matthews**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Blake J. Arcuri
(See above for address)
ATTORNEY TO BE NOTICED

Timothy R. Richardson
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/09/2011	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 350) filed by Human Rights Defense Center, Prison Legal News. (Attachments: # <u>1</u> Civil Cover Sheet)(ecm,) (Entered: 09/13/2011)

09/15/2011	<u>2</u>	ORDER TRANSFERRING CASE. Case transferred to Judge Jay C. Zainey and Magistrate Judge Sally Shushan for all further proceedings. Judge Mary Ann Vial Lemmon, Magistrate Judge Karen Wells Roby no longer assigned to case. Signed by Judge Mary Ann Vial Lemmon on 9/14/11. (NEF: C. Nelson, Judge Shushan, Judge Roby)(ecm,) (Entered: 09/15/2011)
09/21/2011	<u>3</u>	Request of Summons Issued as to Marlin Gusman filed by Human Rights Defense Center, Prison Legal News re <u>1</u> Complaint. (gbw,) (Entered: 09/21/2011)
09/21/2011	4	Summons Issued as to Marlin Gusman. (gbw,) (Entered: 09/21/2011)
10/04/2011	<u>5</u>	EXPARTE/CONSENT MOTION for Extension of Time to Answer <u>1</u> Complaint by Charles Ezeb, Marlin N. Gusman, Carlos Louque, Bonita Pittman, Jerrod Spinney, Kevin Winfield. (Attachments: # <u>1</u> Proposed Order)(Matthews, Freeman) Modified to add linkage on 10/4/2011 (gbw,). M (Entered: 10/04/2011)
10/04/2011	6	Correction of Docket Entry by Clerk re <u>5</u> MOTION for Extension of Time to Answer. Document should have been linked to another document by checking the box 'Should the document you are filing link to another document' or by selecting a related document on other appropriate screen. Clerk took corrective action by linking document to document #1.' (gbw,) (Entered: 10/04/2011)
10/05/2011	7	Correction of Docket Entry by Clerk re <u>5</u> MOTION for Extension of Time to Answer. Document contains incorrect Section and/or Magistrate Judge. All future pleadings must reflect Section A and Magistrate Judge 1. (gbw,) (Entered: 10/05/2011)
10/05/2011	<u>8</u>	ORDER granting <u>5</u> Motion for Extension of Time to Answer re <u>1</u> Complaint as to Charles Ezeb; Marlin N Gusman; Carlos Louque; Bonita Pittman; Jerrod Spinney; Kevin Winfield; Answer due 10/4/2011.. Signed by Judge Jay C. Zainey on 10/4/2011. (gbw,) (Entered: 10/05/2011)
10/11/2011	<u>9</u>	DEFICIENT** MOTION for Preliminary Injunction by Prison Legal News. (Attachments: # <u>1</u> Proposed Order)(Howell, Mary) Modified on 10/11/2011 (gbw,). (Entered: 10/11/2011)
10/11/2011	<u>10</u>	ERROR: WRONG EVENT SELECTED** MOTION for Hearing re <u>9</u> MOTION for Preliminary Injunction by Prison Legal News. (Attachments: # <u>1</u> Proposed Order)(Howell, Mary) Modified on 10/11/2011 (gbw,). (Entered: 10/11/2011)
10/11/2011	<u>11</u>	ERROR: FILED AS A SEPARATE DOCUMENT* Memorandum by All Plaintiffs re <u>9</u> MOTION for Preliminary Injunction (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Howell, Mary) Modified on 10/11/2011 (gbw,). (Entered: 10/11/2011)
10/11/2011	12	Correction of Docket Entry by Clerk re <u>11</u> Memorandum. Document #11 was incorrectly filed as a separate document instead of an attachment to Deficient Doc. #9. Attorney to refile entire document. (gbw,) (Entered: 10/11/2011)
10/11/2011	13	Correction of Docket Entry by Clerk re <u>10</u> MOTION for Hearing re <u>9</u> MOTION for Preliminary Injunction. Filing attorney selected incorrect event. Correct event is Request/Statement of Oral Argument. Clerk will take corrective action after attorney refiles their motion for preliminary injunction. (gbw,) (Entered: 10/11/2011)
10/11/2011	<u>14</u>	MOTION for Preliminary Injunction by Prison Legal News, Human Rights Defense Center. Motion set for 10/26/2011 9:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Memorandum in Support, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Notice of Submission)(Howell, Mary) Modified hrg time on 10/11/2011 (gbw,). (Entered: 10/11/2011)
10/11/2011	15	Correction of Docket Entry by Clerk re <u>14</u> MOTION for Preliminary Injunction. Filing attorney selected incorrect time. Correct time is 9:00 AM. Clerk took corrective action. (gbw,) (Entered: 10/11/2011)
10/11/2011	<u>16</u>	Request/Statement of Oral Argument by All Plaintiffs regarding <u>14</u> MOTION for Preliminary Injunction. (Attachments: # <u>1</u> Proposed Order)(gbw,) (Entered: 10/11/2011)

10/12/2011	<u>17</u>	NOTICE regarding oral argument on <u>14</u> MOTION for Preliminary Injunction filed by Prison Legal News, Human Rights Defense Center. By Clerk.(jrc,) (Entered: 10/12/2011)
10/18/2011	<u>18</u>	ERROR: DUPLICATE OF DOC #19. EXPARTE/CONSENT MOTION to Appear Pro Hac Vice (Filing fee \$ 100 receipt number 053L-3241049) by Prison Legal News. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit, # <u>3</u> Affidavit)(Howell, Mary) Modified on 10/19/2011 (rll,). (Entered: 10/18/2011)
10/18/2011	<u>19</u>	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice <i>as to Lance Weber</i> (Fee previously paid) by Prison Legal News. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit, # <u>3</u> Affidavit)(Howell, Mary) Modified on 10/19/2011 to edit text (rll,). (Entered: 10/18/2011)
10/19/2011	<u>20</u>	Correction of Docket Entry by Clerk re <u>18</u> MOTION to Appear Pro Hac Vice. This is a duplicate filing of document #19 and will be noted as such. No further action is necessary. (rll,) (Entered: 10/19/2011)
10/19/2011	<u>21</u>	Correction of Docket Entry by Clerk re <u>19</u> MOTION to Appear Pro Hac Vice <i>as to Lance Weber</i> . Document contains incorrect Section and/or Magistrate Judge. All future pleadings must reflect Section "A" Judge Jay C. Zainey and Magistrate Judge Sally Shushan Division (1). No further action is necessary (rll,) (Entered: 10/19/2011)
10/20/2011	<u>23</u>	ORDER granting <u>19</u> Motion to Appear Pro Hac Vice as to Lance Weber. Signed by Judge Jay C. Zainey on 10/19/11. (plh,) (Entered: 10/21/2011)
10/21/2011	<u>22</u>	EXPARTE/CONSENT MOTION to Amend/Correct <u>14</u> MOTION for Preliminary Injunction by Prison Legal News. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit)(Howell, Mary) (Attachments 20 -24 replaced on 10/24/2011) (plh,). Modified on 10/24/2011 (plh,). (Entered: 10/21/2011)
10/26/2011	<u>24</u>	Minute Order. Proceedings held before Judge Jay C. Zainey: Status Conference held on 10/26/2011; ORDERED that a Status Conference is set for 11/17/2011 10:00 AM in chambers; The Court will defer ruling on the pending <u>14</u> Motion for Preliminary Injunction & <u>22</u> Motion to Amend/Correct Motion for Preliminary Injunction based on the compromise between parties; (gbw,) (Entered: 10/27/2011)
10/27/2011	<u>25</u>	ORDER Scheduling Settlement Conference for 11/14/2011 02:00 PM. Signed by Magistrate Judge Sally Shushan on 10/27/2011.(tsf,) (Entered: 10/27/2011)
11/09/2011	<u>26</u>	ORDER that the Settlement Conference scheduled for for 11/14/2011 02:00 PM is CONVERTED to a TELEPHONE Settlement Conference before Magistrate Judge Sally Shushan. The Court will initiate the conference call. Signed by Magistrate Judge Sally Shushan on 11/9/2011.(gbw,) (Entered: 11/09/2011)
11/14/2011	<u>27</u>	Minute Entry for proceedings held before Magistrate Judge Sally Shushan: Settlement Conference held on 11/14/2011. (caa,) (Entered: 11/15/2011)
11/17/2011	<u>28</u>	Minute Entry for proceedings held before Judge Jay C. Zainey: Status Conference held on 11/17/2011. Status Conference is set for 12/1/2011 10:45 AM before Judge Jay C. Zainey. (gbw,) (Entered: 11/18/2011)
12/01/2011	<u>29</u>	ORDER that the Status Conference set for 12/1/2011 at 10:45 AM in chambers is CANCELLED. Signed by Judge Jay C. Zainey on 11/30/2011.(gbw,) (Entered: 12/01/2011)
12/02/2011	<u>30</u>	**VACATE** Minute Entry for proceedings held before Magistrate Judge Sally Shushan: Settlement Conference held on 12/2/2011. (tsf,) Modified on 12/2/2011 (tsf,). (Entered: 12/02/2011)
12/02/2011	<u>31</u>	ORDER vacating Minute Entry dated 12/2/2011. Signed by Magistrate Judge Sally Shushan on 12/2/2011. (tsf,) (Entered: 12/02/2011)

12/02/2011	<u>32</u>	CONSENT JUDGMENT for Injunctive Relief Only. Signed by Judge Jay C. Zainey on 12/2/2011. (Attachments: # <u>1</u> Exhibit)(gbw,) (Entered: 12/06/2011)
12/13/2011	<u>33</u>	NOTICE Scheduling Conference set for 1/19/2012 10:00 AM before courtroom deputy by telephone. By Clerk. (jrc,) (Entered: 12/13/2011)
12/23/2011	<u>34</u>	ORDER – Settlement Conference set for 2/9/2012 02:00 PM before Magistrate Judge Sally Shushan. Signed by Magistrate Judge Sally Shushan.(car,) (Entered: 12/27/2011)
01/19/2012	<u>35</u>	SCHEDULING ORDER: Final Pretrial Conference set for 9/13/2012 09:30 AM before Judge Jay C. Zainey. Bench Trial set for 10/1/2012 09:30 AM before Judge Jay C. Zainey.. Signed by Judge Jay C. Zainey on 1/19/12. (Attachments: # <u>1</u> Pretrial Notice Form)(jrc,) (Entered: 01/20/2012)
02/01/2012	<u>36</u>	ORDER Rescheduling Settlement Conference for 3/27/2012 02:00 PM. Signed by Magistrate Judge Sally Shushan on 2/1/2012. (tsf,) (Entered: 02/01/2012)
03/05/2012	<u>37</u>	MOTION for Jury Trial by Prison Legal News. Motion set for 3/28/2012 9:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission, # <u>3</u> Proposed Order)(Howell, Mary) Modified to remove referral to MJ & reset hrg date on 3/6/2012 (gbw,). (Entered: 03/05/2012)
03/06/2012	<u>38</u>	Correction of Docket Entry by Clerk re <u>37</u> MOTION for Jury Trial. Filing attorney incorrectly changed 'N' to 'Y' at the question 'Is this motion to be decided by the Magistrate Judge Y/N?'. This motion will be decided by the District Judge Jay C. Zainey on 3/28/2012 11:00 AM. Clerk took corrective action. (gbw,) (Entered: 03/06/2012)
03/06/2012	<u>39</u>	Correction of Docket Entry by Clerk re <u>37</u> MOTION for Jury Trial. Correct hearing time is 9:00 AM instead of 11:00 AM. Clerk took corrective action. (gbw,) (Entered: 03/06/2012)
03/13/2012	<u>40</u>	ANSWER to <u>1</u> Complaint by Charles Ezeb, Marlin N Gusman, Carlos Louque, Bonita Pittman, Jerrod Spinney, Kevin Winfield.(Matthews, Freeman) (Entered: 03/13/2012)
03/13/2012	<u>41</u>	DEMAND for Trial by Jury by All Plaintiffs (Howell, Mary) (Entered: 03/13/2012)
03/14/2012	<u>42</u>	Correction of Docket Entry by Clerk re <u>40</u> Answer to Complaint. Document contains incorrect Section and/or Magistrate Judge. All future pleadings must reflect Section A (Judge Jay C. Zainey) and Magistrate Judge 1 (Sally Shushan) (gbw,) (Entered: 03/14/2012)
03/20/2012	<u>43</u>	ORDER that the settlement conference scheduled in the case on 3/27/2012 is CANCELED. Signed by Magistrate Judge Sally Shushan on 3/20/2012.(caa,) (Entered: 03/20/2012)
04/02/2012	<u>44</u>	ORDER granting <u>37</u> MOTION for Jury Trial filed by Prison Legal News. Jury Trial set for 10/1/2012 09:30 AM before Judge Jay C. Zainey. Signed by Judge Jay C. Zainey. (tsf,) (Entered: 04/02/2012)
07/16/2012	<u>45</u>	First Witness and Exhibit List by All Plaintiffs. (Cumming, Elizabeth) (Entered: 07/16/2012)
07/17/2012	<u>46</u>	Witness and Exhibit List by All Defendants. (Matthews, Freeman) (Entered: 07/17/2012)
07/18/2012	<u>47</u>	Correction of Docket Entry by Clerk re <u>46</u> Witness and Exhibit List. Document contains incorrect Section and/or Magistrate Judge. All future pleadings must reflect Section A and Magistrate Judge 1. (gbw,) (Entered: 07/18/2012)
07/23/2012	<u>48</u>	Acceptance of Judgment Offer by All Plaintiffs (Attachments: # <u>1</u> Exhibit Defendants Offer of Judgment)(Cumming, Elizabeth) (Entered: 07/23/2012)
07/24/2012	<u>49</u>	EXPARTE/CONSENT First MOTION for Extension of Time to File <i>Motion for Attorneys' Fees</i> by Prison Legal News. (Attachments: # <u>1</u> Proposed Order)(Cumming, Elizabeth) (Entered: 07/24/2012)

07/24/2012	<u>50</u>	ORDER OF DISMISSAL. Signed by Judge Jay C. Zainey on 7/23/2012.(caa,) (Entered: 07/24/2012)
07/26/2012	<u>51</u>	ORDER that the Order of Dismissal (Rec. Doc. 50) entered on July 24, 2012 is hereby VACATED; IT IS FURTHER ORDERED that Plaintiffs unopposed request for an extension of time to complete their motion for attorneys fees is GRANTED. Plaintiffs must complete their motion within sixty (60) days of the entry of judgment; IT IS FURTHER ORDERED that the jury trial in this matter, which is currently set for Monday, October 1, 2012 at 8:30 a.m., is hereby CANCELLED.. Signed by Judge Jay C. Zainey on 7/25/12.(jrc,) (Entered: 07/26/2012)
09/18/2012	<u>52</u>	JUDGMENT entered in favor of Human Rights Defense Center, Prison Legal News against Bonita Pittman, Carlos Louque, Charles Ezeb, Jerrod Spinney, Kevin Winfield, Marlin N Gusman. Signed by Judge Jay C. Zainey on 9/17/2012.(gbw,) (Entered: 09/18/2012)
10/19/2012	<u>53</u>	EXPARTE/CONSENT First MOTION for Extension of Time to File <i>Costs</i> by Prison Legal News. (Attachments: # <u>1</u> Proposed Order)(Howell, Mary) (Entered: 10/19/2012)
10/23/2012	<u>54</u>	ORDER granting <u>53</u> Motion for Extension of Time to File for Costs. Signed by Judge Jay C. Zainey on 10/22/12. (jrc,) (Entered: 10/23/2012)
11/14/2012	<u>55</u>	EXPARTE/CONSENT Second MOTION for Extension of Time to File <i>Attorneys' Fees and Costs</i> by Human Rights Defense Center, Prison Legal News. (Attachments: # <u>1</u> Proposed Order)(Cumming, Elizabeth) (Entered: 11/14/2012)
11/15/2012	<u>56</u>	ORDER granting <u>55</u> Motion for Extension of Time to File Motion for Attorneys' Fees and Costs. Signed by Judge Jay C. Zainey on 11/14/12. (jrc,) (Entered: 11/15/2012)
11/20/2012	<u>57</u>	ORDER Settlement Conference set for 12/4/2012 02:00 PM before Magistrate Judge Sally Shushan. Signed by Magistrate Judge Sally Shushan.(gec,) (Entered: 11/20/2012)
11/29/2012	<u>58</u>	ORDER the settlement conference scheduled on 12/4/2012 at 2:00 p.m. is CONVERTED to a TELEPHONE settlement conference. Signed by Magistrate Judge Sally Shushan.(gec,) (Entered: 11/29/2012)
12/04/2012	<u>59</u>	Minute Entry for proceedings held before Magistrate Judge Sally Shushan: Telephone Settlement Conference held on 12/4/2012. Settlement discussions are ongoing. (gec,) (Entered: 12/04/2012)
01/11/2013	<u>60</u>	EXPARTE/CONSENT Third MOTION for Extension of Time to File <i>Attorneys' Fees and Costs</i> by Human Rights Defense Center, Prison Legal News. (Attachments: # <u>1</u> Proposed Order)(Howell, Mary) (Entered: 01/11/2013)
01/11/2013	<u>61</u>	Minute Entry for proceedings held before Magistrate Judge Sally Shushan: Settlement Conference held on 1/11/2013. The parties are unable to negotiate a settlement at this time. (gec,) (Entered: 01/11/2013)
01/15/2013	<u>62</u>	ORDER granting <u>60</u> Motion for Extension of Time to File Motion for Attorney's Fees and Costs. Signed by Judge Jay C. Zainey on 1/14/13. (jrc,) (Entered: 01/15/2013)