

**U.S. District Court
Middle District of Louisiana (Baton Rouge)
CIVIL DOCKET FOR CASE #: 3:16-cv-00031-JJB-RLB**

Yarls et al v. Bunton et al
Assigned to: Judge James J. Brady
Referred to: Magistrate Judge Richard L. Bourgeois, Jr
Case in other court: 5th Circuit, 17-30779
Cause: 28:1331 Fed. Question: Civil Rights Violation

Date Filed: 01/14/2016
Date Terminated: 01/31/2017
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Darwin Yarls, Jr.
*On Behalf of Themselves and All Others
Similarly Situated*

represented by **Brandon J. Buskey**
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ATTORNEY TO BE NOTICED

Plaintiff

Leroy Shaw, Jr.
On Behalf of Themselves and All Others
Similarly Situated

represented by **Brandon J. Buskey**
(See above for address)
LEAD ATTORNEY
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Bruce Warfield Hamilton
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Anna Lellelid
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ATTORNEY TO BE NOTICED

Ezekiel Edwards
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Justin Paul Harrison
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TERMINATED: 11/04/2016
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William Patrick Quigley
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ATTORNEY TO BE NOTICED

Candice C. Sirmon
(See above for address)
TERMINATED: 08/24/2016
ATTORNEY TO BE NOTICED

Plaintiff

Douglas Brown

*On Behalf of Themselves and All Others
Similarly Situated*

represented by **Brandon J. Buskey**
(See above for address)
LEAD ATTORNEY
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Ezekiel Edwards
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Justin Paul Harrison
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William Patrick Quigley
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ATTORNEY TO BE NOTICED

Candice C. Sirmon
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TERMINATED: 08/24/2016
ATTORNEY TO BE NOTICED

V.

Defendant

Derwyn Bunton

*in his official capacity as Chief District
Defender for Orleans Parish, Louisiana*

represented by **Mark Christopher Surprenant**
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Defendant

James T Dixon, Jr
*in his official capacity as Louisiana State
 Public Defender*

represented by **John M. Landis**
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| Date Filed | # | Docket Text |
|------------|----------|--|
| 01/14/2016 | <u>1</u> | COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 053N-1348115.), filed by Darwin Yarle, Jr, Douglas Brown, Leroy Shaw, Jr. (Attachments: # <u>1</u> Attachment Civil Cover Sheet, # <u>2</u> Exhibit List Index of Exhibits, # <u>3</u> Exhibit Exhibit 1, # <u>4</u> Exhibit Exhibit 2, # <u>5</u> Exhibit Exhibit 3, # <u>6</u> Exhibit Exhibit 4, # <u>7</u> Exhibit Exhibit 5, # <u>8</u> Exhibit Exhibit 6, # <u>9</u> Exhibit Exhibit 7, # <u>10</u> Exhibit Exhibit 8, # <u>11</u> Exhibit Exhibit 9, # <u>12</u> Exhibit Exhibit 10, # <u>13</u> Exhibit Exhibit 11, # <u>14</u> Exhibit Exhibit 12, # <u>15</u> Exhibit Exhibit 13)(Sirmon, Candice) (Entered: 01/14/2016) |
| 01/14/2016 | <u>2</u> | MOTION for Brandon J. Buskey to Appear Pro Hac Vice (Filing fee \$100.00, Receipt Number 053N-1348118) by All Plaintiffs. (Attachments: # <u>1</u> Affidavit of Brandon Buskey, # <u>2</u> Attachment Certificate of Good Standing, # <u>3</u> Attachment Proposed Order)(Sirmon, Candice) (Entered: 01/14/2016) |
| 01/14/2016 | <u>3</u> | MOTION for Ezekiel R. Edwards to Appear Pro Hac Vice (Filing fee \$100.00, Receipt Number 053N-1348119) by All Plaintiffs. (Attachments: # <u>1</u> Affidavit of Ezekiel R. Edwards, # <u>2</u> Attachment Certificate of Good Standing, # <u>3</u> Attachment Proposed Order)(Sirmon, Candice) (Entered: 01/14/2016) |
| 01/15/2016 | <u>4</u> | MOTION to Certify Class by All Plaintiffs. (Attachments: # <u>1</u> Memorandum in Support)(Sirmon, Candice) (Entered: 01/15/2016) |
| 01/19/2016 | <u>5</u> | There is no record document 5 – Counsel was admitted (NLT) Modified on 1/19/2016 to edit the text and remove the attachment (NLT). (Entered: 01/19/2016) |
| 01/19/2016 | | MOTION(S) REFERRED: <u>3</u> MOTION for Ezekiel R. Edwards to Appear Pro Hac Vice (Filing fee \$100.00, Receipt Number 053N-1348119), <u>2</u> MOTION for Brandon J. Buskey to Appear Pro Hac Vice (Filing fee \$100.00, Receipt Number 053N-1348118). This motion is now pending before the USMJ. (NLT) (Entered: 01/19/2016) |

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| 01/19/2016 | <u>6</u> | NOTICE on <u>4</u> MOTION to Certify Class :. Opposition, limited to 10 pages, to the motion shall be filed on or before 02/09/16. The mover may file a reply brief, limited to 5 pages, within 14 days of the filing of the opposition.(This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (MJ) (Entered: 01/19/2016) |
| 01/22/2016 | <u>7</u> | ORDER granting <u>2</u> Motion for Brandon J. Buskey to Appear Pro Hac Vice on behalf of Plaintiffs. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 1/22/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (JSL) (Entered: 01/22/2016) |
| 01/22/2016 | <u>8</u> | ORDER granting <u>3</u> Motion for Ezekiel Edwards to Appear Pro Hac Vice on behalf of Plaintiffs. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 1/22/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (JSL) (Entered: 01/22/2016) |
| 02/01/2016 | <u>9</u> | NOTICE AND ORDER: The <u>6</u> Briefing Scheduling be VACATED and the <u>4</u> Motion to Certify Class be DISMISSED from the Courts docket without prejudice to being re-filed at a later date. Signed by Judge James J. Brady on 2/1/2016. (LLH) Modified on 2/1/2016 to edit text (LLH). (Entered: 02/01/2016) |
| 02/05/2016 | <u>10</u> | SCHEDULING CONFERENCE ORDER: Scheduling Conference set for 3/29/2016 at 09:30 AM in chambers before Magistrate Judge Richard L. Bourgeois Jr. Status Report due by 3/15/2016. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 2/5/2016. (JSL) (Entered: 02/05/2016) |
| 03/01/2016 | <u>11</u> | ANSWER to <u>1</u> Complaint,, by James T Dixon, Jr.(Landis, John) (Entered: 03/01/2016) |
| 03/04/2016 | <u>12</u> | WAIVER OF SERVICE Returned Executed by Darwin Yarls, Jr, Douglas Brown, Leroy Shaw, Jr. Derwyn Bunton waiver sent on 1/15/2016, answer due 3/15/2016. (Sirmon, Candice) (Entered: 03/04/2016) |
| 03/04/2016 | <u>13</u> | WAIVER OF SERVICE Returned Executed by Darwin Yarls, Jr, Douglas Brown, Leroy Shaw, Jr. James T Dixon, Jr waiver sent on 1/15/2016, answer due 3/15/2016. (Sirmon, Candice) (Entered: 03/04/2016) |
| 03/07/2016 | <u>14</u> | Uncontested MOTION to Extend Status Report Deadline and scheduling conference by All Plaintiffs. (Sirmon, Candice) Modified on 3/8/2016 to edit text (LLH). Modified on 3/14/2016 to edit event (LLH). (Entered: 03/07/2016) |
| 03/08/2016 | | MOTION(S) REFERRED: <u>14</u> Unopposed MOTION for Extension of Time to hold FRCP 26(f) scheduling conference, file Status Report and Scheduling Conference. This motion is now pending before the USMJ. (LLH) (Entered: 03/08/2016) |
| 03/14/2016 | <u>15</u> | ORDER granting <u>14</u> Uncontested Motion to Extend Status Report Deadline and Scheduling Conference. The Scheduling Conference set for 3/29/2016 is RESET for 4/21/2016 at 10:45 AM in chambers before Magistrate Judge Richard L. Bourgeois Jr.. The Joint Status Report due by 4/7/2016. The parties shall hold their FRCP 26(f) scheduling conference no later than 3/31/2016. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 3/14/2016. (LLH) Modified on 3/17/2016 to edit text (LLH). (Entered: 03/14/2016) |
| 03/15/2016 | <u>16</u> | ANSWER to <u>1</u> Complaint,, by Derwyn Bunton.(Surprenant, Mark) (Entered: 03/15/2016) |
| 03/16/2016 | <u>17</u> | MOTION to Enroll Jennifer E. Barriere as Additional Attorney by Derwyn Bunton. (Attachments: # <u>1</u> Proposed Pleading; Order)(Surprenant, Mark) (Entered: 03/16/2016) |
| 03/17/2016 | | MOTION(S) REFERRED: <u>17</u> MOTION to Enroll Jennifer E. Barriere as Additional Attorney . This motion is now pending before the USMJ. (LLH) (Entered: 03/17/2016) |
| 03/24/2016 | <u>18</u> | ORDER granting <u>17</u> Motion to Enroll Additional Attorney. Added attorney Jennifer Emily Barriere as additional counsel of record for Derwyn Bunton. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 3/24/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (JSL) (Entered: 03/24/2016) |
| 04/01/2016 | <u>19</u> | Joint MOTION to Extend Status Report Deadline and Scheduling Conference by All Plaintiffs. (Sirmon, Candice) Modified to edit text on 4/4/2016 (BLR). (Entered: 04/01/2016) |

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| 04/04/2016 | | MOTION(S) REFERRED: <u>19</u> Joint MOTION to Extend Status Report Deadline and Scheduling Conference. This motion is now pending before the USMJ. (BLR) (Entered: 04/04/2016) |
| 04/06/2016 | <u>20</u> | ORDER: The scheduling conference set for April 21, 2016 is hereby RESET before United States Magistrate Judge Richard L. Bourgeois, Jr. for May 19, 2016 at 3:00 p.m. The deadline for filing the joint status report is reset to May 5, 2016. All other orders and instructions in this Courts Orders (R. Docs. 10 and 15) and attachments thereto shall continue to apply. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 4/6/2016. (BLR) (Entered: 04/06/2016) |
| 05/05/2016 | <u>21</u> | Third MOTION for Extension of Time to File Joint Status Report by All Plaintiffs. (Buskey, Brandon) (Entered: 05/05/2016) |
| 05/05/2016 | | MOTION(S) REFERRED: <u>21</u> Third MOTION for Extension of Time to File Joint Status Report. This motion is now pending before the USMJ. (EDC) (Entered: 05/05/2016) |
| 05/17/2016 | <u>22</u> | ORDER granting <u>21</u> Joint Motion to Extend Status Report Deadline and Scheduling Conference. The scheduling conference set for May 19, 2016 is hereby RESET before United States Magistrate Judge Richard L. Bourgeois, Jr. for June 2, 2016 at 10:30 a.m. The deadline for filing the joint status report is reset to May 19, 2016. Signed by Magistrate Judge Richard L. Bourgeois, Jr on 5/17/2016. (JSL) (Entered: 05/17/2016) |
| 05/17/2016 | | Set/Reset Deadlines/Hearings: Scheduling Conference reset for 6/2/2016 at 10:30 AM in chambers before Magistrate Judge Richard L. Bourgeois Jr. Status Report deadline reset to 5/19/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry) (JSL) (Entered: 05/17/2016) |
| 05/19/2016 | <u>23</u> | STATUS REPORT by All Plaintiffs. (Sirmon, Candice) (Entered: 05/19/2016) |
| 05/27/2016 | <u>24</u> | SCHEDULING ORDER: The Scheduling Conference set for 6/2/2016 is CANCELLED. In accordance with FRCP 16(b), the following discovery deadlines are established. Amended Pleadings due by 6/21/2016. Discovery due by 8/19/2016. Defendant's Expert Witness List due by 8/23/2016. Defendant's Expert Reports due by 9/23/2016. Discovery from Experts due by 10/24/2016. Dispositive and Daubert Motions shall be filed by 11/14/2016. Proposed Pretrial Order due by 3/27/2017. Pretrial Conference set for 4/27/2017 at 02:00 PM in chambers before Judge James J. Brady. Motions In Limine shall be filed by 4/28/2017. Affidavit of Settlement Efforts due by 5/19/2017. Joint jury instructions, voir dire, verdict forms, and trial briefs due by 7/7/2017. Bench Trial set for 7/24/2017 – 7/26/2017 at 09:00 AM in Courtroom 1 before Judge James J. Brady. Signed by Magistrate Judge Richard L. Bourgeois, Jr on 5/27/2016. (LLH) (Entered: 05/27/2016) |
| 06/02/2016 | <u>25</u> | MOTION to Enroll Justin B. Schmidt as Additional Attorney by Derwyn Bunton. (Attachments: # <u>1</u> Proposed Pleading; Order)(Surprenant, Mark) (Entered: 06/02/2016) |
| 06/02/2016 | | MOTION(S) REFERRED: <u>25</u> MOTION to Enroll Justin B. Schmidt as Additional Attorney . This motion is now pending before the USMJ. (EDC) (Entered: 06/02/2016) |
| 06/06/2016 | 26 | ORDER granting <u>25</u> Motion to Enroll Additional Attorney. Added attorney Justin B. Schmidt as additional counsel of record for Defendant Derwyn Bunton. Signed by Magistrate Judge Richard L. Bourgeois, Jr on 6/6/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (JSL) (Entered: 06/06/2016) |
| 06/15/2016 | <u>27</u> | AMENDED COMPLAINT against All Defendants, filed by Darwin Yarls, Jr, Douglas Brown, Leroy Shaw, Jr.(Buskey, Brandon) (Entered: 06/15/2016) |
| 06/15/2016 | <u>28</u> | Renewed and Unopposed Motion for Class Certification by All Plaintiffs. (Buskey, Brandon) Modified on 6/23/2016 to edit text. (EDC). (Entered: 06/15/2016) |
| 06/15/2016 | <u>29</u> | Joint MOTION for Judgment Granting Final Declaratory and partial Injunctive Relief by All Plaintiffs. (Buskey, Brandon) Modified on 6/16/2016 (ELW). Added MOTION for Partial Injunctive Relief on 6/16/2016 (ELW). (Entered: 06/15/2016) |

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| 06/16/2016 | <u>30</u> | Certificate of Service to the AMENDED COMPLAINT against All Defendants, filed by Darwin Yarls, Jr, Douglas Brown, Leroy Shaw, Jr.(Buskey, Brandon) Modified on 6/16/2016 to correct text.(EDC). (Entered: 06/16/2016) |
| 06/16/2016 | <u>32</u> | Minute Entry/Notice to Counsel for proceedings held before Judge James J. Brady: Telephone Status Conference held on 6/16/2016. The court instructed the parties to submit briefs on or before 5:00 p.m. on 7/1/2016. (SGO) (Entered: 06/17/2016) |
| 06/17/2016 | <u>31</u> | ORDER: Considering the <u>28</u> Renewed and Unopposed Motion for Class Certification and <u>29</u> Joint MOTION for Judgment Granting Final Declaratory and partial Injunctive Relief, the parties will provide supplemental memoranda by 5:00 PM on 7/1/2016. Signed by Judge James J. Brady on 06/16/2016. (ELW) Modified on 6/24/2016 (NLT). (Entered: 06/17/2016) |
| 07/01/2016 | <u>33</u> | Plaintiffs' Supplemental MEMORANDUM in Support of <u>28</u> Consent MOTION to Certify Class <u>29</u> Consent MOTION for Settlement filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A – State v. Bernard District Court Ruling, # <u>2</u> Exhibit B – State v. Bernard La. App. 4 Cir.)(Sirmon, Candice) Modified on 7/5/2016 to edit the text (TNB). (Entered: 07/01/2016) |
| 07/14/2016 | <u>34</u> | ORDER: The plaintiffs shall amend the complaint to fully allege the scope of relief requested and add all necessary parties to obtain such relief. Thereafter, the plaintiffs may file a properly supported motion for class certification. This matter is referred to the Magistrate Judge for purposes of entering a Scheduling Order. The <u>29</u> Motion for Settlement is TERMINATED from the Court's dockets, reserving the right to refile following class certification. Signed by Judge James J. Brady on 7/14/2016. (LLH) (Entered: 07/14/2016) |
| 08/12/2016 | <u>35</u> | Unopposed MOTION File Second Amended <i>Class Action Complaint</i> by All Plaintiffs. (Attachments: # <u>1</u> Proposed Pleading;)(Sirmon, Candice) Modified on 8/18/2016 to edit text (LLH). (Entered: 08/12/2016) |
| 08/15/2016 | <u>36</u> | MOTION for Emily Faye Ratner to Withdraw as Attorney by All Plaintiffs. (Attachments: # <u>1</u> Proposed Pleading; Proposed Order)(Ratner, Emily) (Entered: 08/15/2016) |
| 08/15/2016 | <u>37</u> | Amended MOTION for Emily Faye Ratner to Withdraw as Attorney <i>Corrected Motion to Withdraw</i> by All Plaintiffs. (Attachments: # <u>1</u> Proposed Pleading; Proposed Order)(Ratner, Emily) (Entered: 08/15/2016) |
| 08/16/2016 | <u>38</u> | MOTION to Substitute Justin P. Harrison in place of Candice C. Sirmon as Attorney by All Plaintiffs. (Sirmon, Candice) (Entered: 08/16/2016) |
| 08/17/2016 | 39 | ORDER granting <u>35</u> Motion to Amend. The Second Amended Class Action Complaint [R. Doc. 35–1] shall be filed. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 8/17/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (Bourgeois, Richard) (Entered: 08/17/2016) |
| 08/17/2016 | 40 | ORDER granting <u>37</u> Motion to Withdraw as Attorney. Attorney Emily Faye Ratner is withdrawn. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 8/17/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (Bourgeois, Richard) (Entered: 08/17/2016) |
| 08/17/2016 | 41 | ORDER finding as moot <u>36</u> Motion to Withdraw as Attorney. The requested relief has been granted. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 8/17/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (Bourgeois, Richard) (Entered: 08/17/2016) |
| 08/17/2016 | <u>43</u> | Second AMENDED Class Action COMPLAINT against Derwyn Bunton, James T Dixon, Jr, filed by Darwin Yarls, Jr., Douglas Brown, Leroy Shaw, Jr.(SGO) (Entered: 08/22/2016) |
| 08/18/2016 | | MOTION(S) REFERRED: <u>38</u> MOTION to Substitute Justin P. Harrison in place of Candice C. Sirmon as Attorney . This motion is now pending before the USMJ. (NLT) (Entered: 08/18/2016) |
| 08/18/2016 | <u>42</u> | ORDER: In accordance with District Judge Bradys referral of this matter for purposes of entering a Scheduling Order consistent with the district courts July 14, 2016 Order (R. Doc. 34), IT IS ORDERED that on or before 9/2/2016 parties to file status report |

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| | | as directed in this order. Telephone Scheduling Conference set for 9/9/2016 at 10:30 AM (CST) before Magistrate Judge Richard L. Bourgeois Jr. Plaintiffs' counsel to initiate the conference call to chambers at (225)389-3602. Upon filing of the status report, the undersigned will review it & determine whether the conference remains necessary or if a modified order should be issued. Unless the parties are notified otherwise, the conference will be held as scheduled. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 8/18/2016. (JSL) (Entered: 08/18/2016) |
| 08/24/2016 | 44 | ORDER granting <u>38</u> Motion to Substitute Attorney. Justin Paul Harrison substituted as counsel for Plaintiffs in this matter replacing Candice C. Sirmon. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 8/24/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (JSL) (Entered: 08/24/2016) |
| 08/25/2016 | <u>45</u> | ANSWER to <u>43</u> Second Amended Class Action Complaint by James T Dixon, Jr.(Landis, John) Modified on 8/25/2016 to edit text. (EDC). (Entered: 08/25/2016) |
| 08/30/2016 | <u>46</u> | Second STATUS REPORT by All Plaintiffs. (Buskey, Brandon) (Entered: 08/30/2016) |
| 08/31/2016 | <u>47</u> | ANSWER to <u>43</u> Amended Complaint by Derwyn Bunton.(Surprenant, Mark) (Entered: 08/31/2016) |
| 09/08/2016 | 48 | Notice to Counsel: Telephone Scheduling Conference set for 9/9/2016 at 10:30 AM (CST) before Magistrate Judge Richard L. Bourgeois Jr. is CANCELLED. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (JSL) (Entered: 09/08/2016) |
| 09/09/2016 | <u>49</u> | SCHEDULING ORDER: In accordance with FRCP 16(b), the following deadlines are established. Plaintiffs motion for class certification: September 12, 2016; Plaintiffs motion for a declaratory order on stipulated liability: 14 days after class certification; Plaintiffs move for appropriate relief: 21 days after class certification; Defendants respond to Plaintiffs motion for relief: 21 days after Plaintiffs motion; Plaintiffs Reply, if any: 14 days after Defendants response. Any hearings or argument, if necessary, will be set by the district judge. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 9/9/2016. (JSL) (Entered: 09/09/2016) |
| 09/12/2016 | <u>50</u> | Unopposed MOTION to Certify Class by All Plaintiffs. (Attachments: # <u>1</u> Memorandum in Support Class Certification)(Buskey, Brandon) (Entered: 09/12/2016) |
| 09/15/2016 | 51 | Notice to Counsel: Evidence, in electronic format, shall be provided in accordance with Local Rule 79 and Administrative Procedures. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) Status Conference set for 10/6/2016 at 02:30 PM in chambers before Judge James J. Brady. (SWE) (Entered: 09/15/2016) |
| 09/15/2016 | 52 | Notice to Counsel: Evidence, in electronic format, shall be provided in accordance with Local Rule 79 and Administrative Procedures. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) At the request of plaintiffs' counsel, Status Conference is re-set for 11/3/2016 at 01:30 PM in chambers before Judge James J. Brady. (SWE) (Entered: 09/15/2016) |
| 10/27/2016 | <u>53</u> | NOTICE AND ORDER: The Court sua sponte raises the issue of whether it has subject matter jurisdiction under Article III of the United States Constitution. Plaintiffs shall submit a brief not to exceed 20 pages addressing the stated issues by 11/9/2016. The Defendants must submit a response not to exceed 20 pages by 11/23/2016. If, after reviewing the briefs, the Court is not convinced that it has jurisdiction, this case will be dismissed. Signed by Judge James J. Brady on 10/27/2016. (LLH) Modified on 10/28/2016 (NLT). (Entered: 10/27/2016) |

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| 11/03/2016 | <u>54</u> | MOTION to Substitute Bruce W. Hamilton in place of Justin P. Harrison as Attorney by All Plaintiffs. (Harrison, Justin) (Entered: 11/03/2016) |
| 11/04/2016 | | Terminate Hearings (SWE) (Entered: 11/04/2016) |
| 11/04/2016 | | MOTION(S) REFERRED: <u>54</u> MOTION to Substitute Bruce W. Hamilton in place of Justin P. Harrison as Attorney . This motion is now pending before the USMJ. (EDC) (Entered: 11/04/2016) |
| 11/04/2016 | 55 | ORDER granting <u>54</u> Motion to Substitute Attorney. Bruce Warfield Hamilton substituted as counsel for Douglas Brown, Leroy Shaw, Jr. & Darwin Yarls, Jr. replacing Justin P. Harrison. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 11/4/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (JSL) (Entered: 11/04/2016) |
| 11/09/2016 | <u>56</u> | Jurisdictional Memorandum (Attachments: # <u>1</u> Exhibit 1)(Buskey, Brandon) Modified on 11/10/2016 to edit text. (EDC). (Entered: 11/09/2016) |
| 11/22/2016 | <u>57</u> | Jurisdictional Memorandum to <u>53</u> Order filed by Derwyn Bunton. (Surprenant, Mark) Modified on 11/23/2016 to edit text. (EDC). (Entered: 11/22/2016) |
| 11/23/2016 | <u>58</u> | Jurisdictional Memorandum to <u>53</u> Order filed by James T Dixon, Jr. (Landis, John) Modified on 11/23/2016 to edit text. (EDC). (Entered: 11/23/2016) |
| 12/27/2016 | <u>59</u> | MOTION for Jennifer E. Barriere to Withdraw as Attorney by Derwyn Bunton. (Attachments: # <u>1</u> Proposed Pleading; Proposed Order)(Surprenant, Mark) Modified on 1/6/2017 to replace document as per Order #61 (LLH). (Entered: 12/27/2016) |
| 01/03/2017 | <u>60</u> | MOTION to Substitute Rec. Doc 59, Motion to Withdraw Jennifer E. Barriere as Counsel of Record by Derwyn Bunton. (Attachments: # <u>1</u> Proposed Pleading; Proposed Order, # <u>2</u> Proposed Pleading; Motion to Withdraw Jennifer E. Barriere as Counsel of Record, # <u>3</u> Proposed Pleading; Proposed Order)(Surprenant, Mark) (Entered: 01/03/2017) |
| 01/05/2017 | | MOTION(S) REFERRED: <u>60</u> MOTION to Substitute Rec. Doc 59, Motion to Withdraw Jennifer E. Barriere as Counsel of Record . This motion is now pending before the USMJ. (ELW) (Entered: 01/05/2017) |
| 01/05/2017 | 61 | ORDER granting <u>60</u> Motion to Substitute Pleading. The previously filed Motion to Withdraw Jennifer E. Barriere as Counsel of Record (R. Doc. 59) shall be substituted with the Motion to Withdraw Jennifer E. Barriere as Counsel of Record submitted by Defendant Derwyn Bunton, in his official capacity as Chief District Defender for Orleans Parish filed on January 3, 2017 (R. Doc. 60-2). ORDER granting <u>59</u> Motion to Withdraw as Attorney, as substituted. Attorney Jennifer E. Barriere, formerly of the law firm Adams and Reese, LLP, is withdrawn as counsel of record for Derwyn Bunton, in his official capacity as Chief District Defender for Orleans Parish. Signed by Magistrate Judge Richard L. Bourgeois, Jr. on 1/5/2017. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (JSL) (Entered: 01/05/2017) |
| 01/31/2017 | <u>62</u> | RULING : The concerns that this Court has with the case touch upon fundamental issues about the nature of its judicial power and, even more fundamentally, about its role in relation to state criminal courts. Ultimately, and after reviewing all of the briefing in this case, this Court finds that this case will be dismissed as a matter of federalism and comity. Signed by Judge James J. Brady on 01/31/2017. (ELW) (Entered: 01/31/2017) |
| 01/31/2017 | <u>63</u> | ORDER: For the written reasons assigned this case is hereby DISMISSED. Signed by Judge James J. Brady on 01/31/2017. (ELW) (Entered: 01/31/2017) |
| 02/27/2017 | <u>64</u> | MOTION for Relief from Judgment by All Plaintiffs. (Attachments: # <u>1</u> Memorandum in Support Motion for Reconsideration, # <u>2</u> Exhibit 1)(Buskey, Brandon) Modified to edit text on 2/28/2017 (SGO). (Entered: 02/27/2017) |
| 08/23/2017 | <u>65</u> | RULING : The Court finds that it did not commit a manifest error of law in dismissing this case. The Motion for Relief from Judgment <u>64</u> is DENIED. Signed by Judge James J. Brady on 08/23/2017. (ELW) (Entered: 08/24/2017) |

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| 09/25/2017 | <u>66</u> | NOTICE OF APPEAL to the USCA for the 5th Circuit of <u>65</u> Order on Motion for Reconsideration by Douglas Brown, Leroy Shaw, Jr, Darwin Yarls, Jr. Filing fee \$ 505, receipt number 053N-1643816. (Hamilton, Bruce) (Entered: 09/25/2017) |
| 10/02/2017 | 67 | USCA Case Number 17-30779 for <u>66</u> Notice of Appeal to the USCA for the 5th Circuit filed by Darwin Yarls, Jr., Douglas Brown, Leroy Shaw, Jr. (TMR) (Entered: 10/02/2017) |
| 10/05/2017 | | Record on Appeal #17-30779 Electronically Certified regarding <u>66</u> Notice of Appeal to the USCA for the 5th Circuit. US Court of Appeals notified of certification. (TMR) (Entered: 10/05/2017) |
| 10/05/2017 | 68 | Electronic Access to the Record on Appeal is now available through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225-389-3501. The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR) (Entered: 10/05/2017) |
| 10/11/2017 | 69 | Electronic Access to the Record on Appeal is now available to Mark Christopher Surprenant through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225-389-3501. The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR) (Entered: 10/11/2017) |
| 10/17/2017 | 70 | Electronic Access to the Record on Appeal is now available to Brandon Buskey through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225-389-3501. The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR) (Entered: 10/17/2017) |
| 11/08/2017 | 71 | Electronic Access to the Record on Appeal is now available to John M. Landis through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225-389-3501. The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (KAH) (Entered: 11/08/2017) |
| 12/06/2017 | 72 | Electronic Access to the Record on Appeal is now available to Bruce Hamilton through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225-389-3501. The clerk of court will retain the responsibility of sending the record to the 5th Circuit upon their request. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR) (Entered: 12/06/2017) |
| 12/12/2017 | 73 | Electronic Access to the Record on Appeal is now available to Sara C. Valentine through the Court of Appeals CM/ECF document filing system. Instructions for accessing the record can be found at www.ca5.uscourts.gov/attorneys/attorney-forms/eroa_downloads . Request for paper exhibits in addition to the record on appeal and shipping information should be faxed to the clerks office at 225-389-3501. The clerk of court will retain the responsibility |

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| | | of sending the record to the 5th Circuit upon their request. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (TMR) (Entered: 12/12/2017) |
| 02/06/2018 | <u>74</u> | Transmitted Record on Appeal #17-30779 to US Court of Appeals regarding <u>66</u> Notice of Appeal to the USCA for the 5th Circuit. (KAH) (Entered: 02/06/2018) |