

**U.S. District Court
Middle District of Louisiana (Baton Rouge)
CIVIL DOCKET FOR CASE #: 3:16-cv-00542-JWD-EWD**

Levy et al v. Louisiana Department of Public Safety and
Corrections

Assigned to: Judge John W. deGravelles

Referred to: Magistrate Judge Erin Wilder-Doomes

Cause: 28:1331 Fed. Question: Civil Rights Violation

Date Filed: 08/16/2016

Jury Demand: None

Nature of Suit: 446 Civil Rights:

Americans with Disabilities - Other

Jurisdiction: Federal Question

Plaintiff

Lawrence Levy

*individually and on behalf of all others
similarly situated,*

represented by **Madeline Chimento Rea**

Proskauer Rose LLP

650 Poydras Street

Suite 1800

New Orleans, LA 70130

504-310-2037

Email: mrea@proskauer.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Ellen B Hahn

2223 W St Mary Blvd

Lafayette

Lafayette, LA 70506

3372983831

Email: nellhahn2@gmail.com

TERMINATED: 12/22/2016

ATTORNEY TO BE NOTICED

Laura Lee Thornton

Advocacy Center

8325 Oak St.

New Orleans, LA 70118

(504) 522-2337

Email: lthornton@advocacyla.org

ATTORNEY TO BE NOTICED

Russell L Hirschhorn

Proskauer Rose LLP

Eleven Times Square

New York, NY 10036

212-969-3286

Email: rhirschhorn@proskauer.com

PRO HAC VICE

ATTORNEY TO BE NOTICED

Susan M. Meyers

Advocacy Center-NO

8325 Oak Street

New Orleans, LA 70118

504-522-2337 ext 138

Fax: 504-522-5507

Email: smeyers@advocacyla.org

ATTORNEY TO BE NOTICED

Plaintiff

Cedric Hammond

*individually and on behalf of all others
similarly situated,*

represented by **Madeline Chimento Rea**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Ellen B Hahn

(See above for address)
TERMINATED: 12/22/2016
ATTORNEY TO BE NOTICED

Laura Lee Thornton
(See above for address)
ATTORNEY TO BE NOTICED

Russell L Hirschhorn
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Susan M. Meyers
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Bradley Casto
individually and on behalf of all others
similarly situated,

represented by **Madeline Chimento Rea**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ellen B Hahn
(See above for address)
TERMINATED: 12/22/2016
ATTORNEY TO BE NOTICED

Laura Lee Thornton
(See above for address)
ATTORNEY TO BE NOTICED

Russell L Hirschhorn
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Susan M. Meyers
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**Louisiana Department of Public Safety
and Corrections**

represented by **Patricia Hill Wilton**
Louisiana Department of Justice – B.R.
P.O. Box 94005
Baton Rouge, LA 70804–9005
225–326–6020
Fax: 225–326–6498
Email: wiltonp@ag.state.la.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Wall Griffin
Department of Public Safety & Corrections
P. O. Box 94304
Baton Rouge, LA 70804
225–342–6743
Fax: 225–342–3278 FAX
Email: sgriffin@corrections.state.la.us
ATTORNEY TO BE NOTICED

Defendant**James LeBlanc**

represented by **Patricia Hill Wilton**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Wall Griffin
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/16/2016	<u>1</u>	COMPLAINT against James LeBlanc, Louisiana Department of Public Safety and Corrections (Filing fee \$ 400 receipt number 053N-1453333.), filed by Lawrence Levy, Bradley Casto, Cedric Hammond. (Attachments: # <u>1</u> Civil Cover Sheet)(Rea, Madeline) (Entered: 08/16/2016)
08/23/2016	<u>2</u>	Summons Submitted (Rea, Madeline) (Entered: 08/23/2016)
08/23/2016	<u>3</u>	Summons Submitted (Rea, Madeline) (Entered: 08/23/2016)
08/24/2016	<u>4</u>	Summons Issued as to James LeBlanc, Louisiana Department of Public Safety and Corrections. (NOTICE: Counsel shall print and serve both the summons and all attachments in accordance with Federal Rule of Civil Procedure 4.) (Attachments: # <u>1</u> summons)(EDC) (Entered: 08/24/2016)
08/24/2016	<u>5</u>	SCHEDULING CONFERENCE ORDER: Scheduling Conference set for 10/20/2016 at 02:00 PM in chambers before Magistrate Judge Erin Wilder-Doomes. Status Report due by 10/6/2016.. Signed by Magistrate Judge Erin Wilder-Doomes on 08/24/2016. (NLT) (Entered: 08/24/2016)
08/29/2016	<u>6</u>	MOTION for Russell Hirschhorn to Appear Pro Hac Vice (Filing fee \$100.00, Receipt Number 053N-1458223) by All Plaintiffs. (Attachments: # <u>1</u> Ex. A - Hirschhorn Aff., # <u>2</u> Proposed Order)(Rea, Madeline) (Entered: 08/29/2016)
08/30/2016		MOTION(S) REFERRED: <u>6</u> MOTION for Russell Hirschhorn to Appear Pro Hac Vice (Filing fee \$100.00, Receipt Number 053N-1458223). This motion is now pending before the USMJ. (ELW) (Entered: 08/30/2016)
08/31/2016	7	ORDER granting <u>6</u> Motion for Russell Hirschhorn to Appear Pro Hac Vice. Signed by Magistrate Judge Erin Wilder-Doomes on 8/31/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (BLR) (Entered: 08/31/2016)
09/20/2016	<u>8</u>	MOTION and Order for Extension of Time by James LeBlanc, Louisiana Department of Public Safety and Corrections. (Attachments: # <u>1</u> Proposed Pleading;)(Griffin, Susan) Modified on 9/20/2016 to edit the text (TNB). (Entered: 09/20/2016)
09/20/2016		MOTION(S) REFERRED: <u>8</u> MOTION for Extension of Time to File Answer to <u>1</u> Complaint, . This motion is now pending before the USMJ. (TNB) (Entered: 09/20/2016)
09/20/2016	<u>9</u>	SUMMONS Returned Executed by Lawrence Levy, Bradley Casto, Cedric Hammond. Louisiana Department of Public Safety and Corrections served on 8/25/2016, answer due 9/15/2016. (Rea, Madeline) (Entered: 09/20/2016)
09/20/2016	<u>10</u>	SUMMONS Returned Executed by Lawrence Levy, Bradley Casto, Cedric Hammond. James LeBlanc served on 8/25/2016, answer due 9/15/2016. (Rea, Madeline) (Entered: 09/20/2016)
09/21/2016	11	ORDER granting <u>8</u> Motion and Order for Extension of Time to Answer. James LeBlanc and Louisiana Department of Public Safety and Corrections shall have twenty (20) days from the date of this Order within which to file responsive pleadings in this matter. Signed by Magistrate Judge Erin Wilder-Doomes on 9/21/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (BLR) (Entered: 09/21/2016)

10/06/2016	<u>12</u>	Joint STATUS REPORT by All Plaintiffs. (Rea, Madeline) (Entered: 10/06/2016)
10/11/2016	<u>13</u>	MOTION to Enroll Patricia H. Wilton as Additional Attorney by All Defendants. (Attachments: # <u>1</u> Proposed Pleading;)(Griffin, Susan) (Entered: 10/11/2016)
10/11/2016	<u>14</u>	ANSWER and Defenses to <u>1</u> Complaint, by James LeBlanc, Louisiana Department of Public Safety and Corrections.(Wilton, Patricia) Modified on 10/11/2016 to edit text. (EDC). (Entered: 10/11/2016)
10/11/2016		MOTION(S) REFERRED: <u>13</u> MOTION to Enroll Patricia H. Wilton as Additional Attorney . This motion is now pending before the USMJ. (EDC) (Entered: 10/11/2016)
10/12/2016	<u>15</u>	ORDER granting <u>13</u> Motion to Enroll as Co-Counsel of Record. Added attorney Patricia Hill Wilton for James LeBlanc,Patricia Hill Wilton for Louisiana Department of Public Safety and Corrections. Signed by Magistrate Judge Erin Wilder-Doomes on 10/12/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (BLR) (Entered: 10/12/2016)
10/19/2016	<u>16</u>	Notice to Counsel: The Scheduling Conference set for 10/20/2016 at 02:00 PM is CONVERTED to a Telephone Conference set for 10/20/2016 at 02:00 PM before Magistrate Judge Erin Wilder-Doomes. Plaintiffs' counsel is to initiate the call and contact the court at (225) 389-3584 once all counsel are on the phone. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.)(BLR) (Entered: 10/19/2016)
10/20/2016	<u>17</u>	Minute Entry for proceedings held before Magistrate Judge Erin Wilder-Doomes. Telephone Conference held on 10/20/2016. The court and counsel discussed and agreed on such deadlines. The court will issue a separate limited scheduling order. (ELW) (Entered: 10/21/2016)
10/25/2016	<u>18</u>	LIMITED SCHEDULING ORDER: In accordance with FRCP 16(b), the following discovery deadlines are established. Amended Pleadings due by 1/31/2017. Discovery due by 5/31/2017. Plaintiff's Expert Reports due by 12/21/2016. Defendant's Expert Reports due by 1/27/2017. Discovery from Experts due by 2/28/2017. Motion for Class Certification shall be filed by 3/24/2017. Opposition due by 4/21/2017. Reply due by 5/12/2017. Certification Hearing set for 5/19/2017 at 10:00 AM in Courtroom 5 before Magistrate Judge Erin Wilder-Doomes. Signed by Magistrate Judge Erin Wilder-Doomes on 10/25/2016. (BLR) (Entered: 10/25/2016)
11/04/2016	<u>19</u>	ORDER Vacating <u>18</u> Limited Scheduling Order. A revised limited scheduling order will be issued. Signed by Magistrate Judge Erin Wilder-Doomes on 11/4/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.)(BLR) (Entered: 11/04/2016)
11/08/2016	<u>20</u>	LIMITED SCHEDULING ORDER: In accordance with FRCP 16(b), the following discovery deadlines are established. Amended Pleadings due by 1/31/2017. Plaintiff's Expert Reports due by 12/21/2016. Defendant's Expert Reports due by 1/27/2017. Discovery from Experts due by 2/28/2017. Motion for Class Certification shall be filed by 3/24/2017. Opposition due by 4/21/2017. Reply due by 5/12/2017. Signed by Magistrate Judge Erin Wilder-Doomes on 11/8/2016. (BLR) (Entered: 11/08/2016)
11/28/2016	<u>21</u>	SETTLEMENT CONFERENCE ORDER: Settlement Conference set for 12/9/2016 at 09:00 AM in chambers before Magistrate Judge Erin Wilder-Doomes. Signed by Magistrate Judge Erin Wilder-Doomes on 11/28/2016. (EDC) (Entered: 11/28/2016)
12/01/2016	<u>22</u>	Notice to Counsel: Due to an unforeseen scheduling conflict, the Settlement Conference set for 12/9/2016 is CANCELLED. Counsel is to contact the chambers at 225-389-3588 as soon as possible to reset settlement conference. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (BLR) (Entered: 12/01/2016)
12/01/2016	<u>23</u>	Notice to Counsel: Settlement Conference has been RESET to 12/12/2016 at 09:00 AM in chambers before Magistrate Judge Erin Wilder-Doomes. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (BLR) (Entered: 12/01/2016)
12/12/2016	<u>24</u>	Minute Entry for proceedings held before Magistrate Judge Erin Wilder-Doomes: Settlement Conference held on 12/12/2016. The parties reached an agreement in

		principle, which was recited into the record under seal. Counsel will continue efforts to memorialize a written settlement agreement. A Telephone Status Conference set for 1/24/2017 at 10:00 AM in chambers before Magistrate Judge Erin Wilder-Doomes. Counsel for plaintiffs shall initiate the call and contact the court at (225) 389-3584 when all participants are on the line. (SGO) (Entered: 12/13/2016)
12/13/2016	<u>25</u>	AMENDED LIMITED SCHEDULING ORDER: In accordance with FRCP 16(b), the following discovery deadlines are established. Amended Pleadings due by 5/31/2017. Plaintiff's Expert Reports due by 4/21/2017. Defendant's Expert Reports due by 5/26/2017. Discovery from Experts due by 6/28/2017. Motions for Class Certification shall be filed by 7/24/2017. Opposition to Motion for Class Certification shall be filed by 8/21/2017. Reply to Opposition to Motion for Class Certification shall be filed by 9/11/2017. Signed by Magistrate Judge Erin Wilder-Doomes on 12/13/2016. (SGO) (Entered: 12/13/2016)
12/13/2016	<u>26</u>	TRANSCRIPT REQUEST by Bradley Casto, Cedric Hammond, Lawrence Levy for proceedings held on December 12, 2016 before Judge Erin Wilder-Doomes.. (Rea, Madeline) Modified on 12/14/2016 "form forwarded to the Magistrate Judge's CRD via email."(EDC). (Entered: 12/13/2016)
12/19/2016	<u>27</u>	SEALED TRANSCRIPT of Proceedings: Settlement Conference held on 12/12/2016 before Magistrate Judge Erin Wilder-Doomes NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. The policy is located on our website at www.lamd.uscourts.gov. (NLT) (Entered: 12/19/2016)
12/19/2016	<u>28</u>	MOTION to Substitute Laura Thornton in place of Nell Hahn as Attorney by All Plaintiffs. (Attachments: # <u>1</u> Proposed Order)(Hahn, Ellen) Modified to substitute per rec. doc. 30 on 12/22/2016 (SGO). (Entered: 12/19/2016)
12/21/2016		MOTION(S) REFERRED: <u>28</u> MOTION to Substitute Laura Thornton in place of Nell Hahn as Attorney . This motion is now pending before the USMJ. (EDC) (Entered: 12/21/2016)
12/21/2016	<u>29</u>	MOTION to Substitute Pleading by All Plaintiffs. (Attachments: # <u>1</u> Proposed Pleading;, # <u>2</u> Proposed Order)(Hahn, Ellen) Modified on 12/22/2016 to edit text.(EDC). (Entered: 12/21/2016)
12/22/2016		MOTION(S) REFERRED: <u>29</u> MOTION for Leave to File Corrected Motion to Substitute Counsel . This motion is now pending before the USMJ. (EDC) (Entered: 12/22/2016)
12/22/2016	30	ORDER granting <u>29</u> MOTION for Leave to File Corrected Motion to Substitute Counsel. Signed by Magistrate Judge Erin Wilder-Doomes on 12/22/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (SGO) (Entered: 12/22/2016)
12/22/2016	31	ORDER granting <u>28</u> Motion to Substitute Counsel. Laura Lee Thornton added for Bradley Casto, Cedric Hammond and Lawrence Levy replacing Nell Hahn. Signed by Magistrate Judge Erin Wilder-Doomes on 12/22/2016. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (SGO) (Entered: 12/22/2016)
01/24/2017	<u>32</u>	AMENDED LIMITED SCHEDULING ORDER: In accordance with FRCP 16(b), the following discovery deadlines are established. Amended Pleadings due by 5/31/2017. Discovery due by 6/28/2017. Motions shall be filed by 7/24/2017. Opposition to Motion for Class Certification due by 8/21/2017. Replies due by 9/11/2017. Signed by Magistrate Judge Erin Wilder-Doomes on 01/24/2017. (SGO) (Entered: 01/24/2017)
01/24/2017	<u>33</u>	Minute Entry for proceedings held before Magistrate Judge Erin Wilder-Doomes: Telephone Status Conference held on 1/24/2017. Counsel first discussed the status of efforts to memorialize the agreement in principle they reached at the settlement conference held with the court on December 12, 2016. Counsel advised the court that they have reached an impasse and will not be able to execute a written settlement

		agreement. Counsel agreed that they anticipated being able to meet the deadlines contained in the Amended Limited Scheduling Order. The court discussed with counsel whether it would be beneficial to scheduled monthly telephone status conferences in this matter. At this time, counsel agree they will continue to confer in an effort to resolve issues without court intervention. (SGO) (Entered: 01/24/2017)
03/17/2017	<u>34</u>	TRANSCRIPT REQUEST by Bradley Casto, Cedric Hammond, Lawrence Levy for proceedings held on January 24, 2017 before Judge Erin Wilder–Doomes.. (Rea, Madeline) Modified on 3/20/2017 form forwarded to the Magistrate Judge's CRD via email (KAH). (Entered: 03/17/2017)
03/24/2017	35	Notice: In reference to the <u>34</u> Transcript Request, counsel was advised via telephone that telephone conferences in chambers are not recorded. Accordingly, there is no transcript from 1/24/2017 Telephone Conference. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (BLR) (Entered: 03/24/2017)
03/30/2017	36	Notice: In response the correspondence from plaintiff's counsel date 3/27/2017, the <u>17</u> Telephone Conference Report and Order specifically references the fact that the limited Scheduling Order deadlines are limited to information required for a class certification hearing. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (BLR) (Entered: 03/30/2017)
07/21/2017	<u>37</u>	Joint MOTION for Entry of Stipulation and Agreement by All Plaintiffs. (Attachments: # <u>1</u> Ex. A)(Rea, Madeline) (Entered: 07/21/2017)
07/24/2017	38	Considering the Joint Motion for Entry of Stipulation and Agreement by All Plaintiffs, it is ORDERED that the stipulation attached as Exhibit A is hereby entered into the record. Signed by Judge John W. deGravelles on 07/24/2017. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.) (KDC) (Entered: 07/24/2017)
07/24/2017	<u>39</u>	STIPULATION & AGREEMENT filed by All Parties. (LLH) (Entered: 07/25/2017)
08/11/2017	<u>40</u>	Letter dated 8/11/2017 from Madeline Rea to Magistrate Judge Wilder–Doomes Re: Request to enter scheduling order on the merits. (BLR) (Entered: 08/15/2017)
08/15/2017	41	ORAL ORDER: Grating <u>40</u> Request to enter scheduling order on the merits. The court will issue a separate limited Scheduling. Signed by Magistrate Judge Erin Wilder–Doomes on 8/15/2017. (This is a TEXT ENTRY ONLY. There is no hyperlink or PDF document associated with this entry.)(BLR) (Entered: 08/15/2017)
08/22/2017	<u>42</u>	AMENDED LIMITED SCHEDULING ORDER: In accordance with FRCP 16(b), the following discovery deadlines are established. Plaintiff's Expert Reports due by 9/22/2017. Defendant's Expert Reports due by 10/13/2017. Expert Depositions due by 11/13/2017. Rebuttal Expert Reports due by 12/4/2017. Opening Summary Judgment Motions shall be filed by all parties by 1/26/2018. Briefs in Opposition to Summary Judgment due by 2/26/2018. Reply Briefs in Support of Summary Judgment due by 3/26/2018. The parties shall file Joint Status Report in form of R. Doc. 5 pp. 3–10 no later than 10 days after a ruling is issued on Summary Judgment Motion(s). Signed by Magistrate Judge Erin Wilder–Doomes on 8/18/2017. (EDC) (Entered: 08/22/2017)
09/20/2017	<u>43</u>	MOTION to Amend <i>the Amended Limited Scheduling Order</i> by All Plaintiffs. (Attachments: # <u>1</u> Proposed Order)(Rea, Madeline) Modified to edit event on 9/21/2017 (SGO). (Entered: 09/20/2017)
09/20/2017		MOTION(S) REFERRED: <u>43</u> MOTION to Amend <i>the Amended Limited Scheduling Order</i> . This motion is now pending before the USMJ. (KAH) (Entered: 09/20/2017)
09/21/2017	<u>44</u>	AMENDED LIMITED SCHEDULING ORDER granting <u>43</u> MOTION to Amend the Amended Limited Scheduling Order. Plaintiff's Expert Reports due by 10/6/2017. Defendant's Expert Reports due by 10/27/2017. Last day for Expert Depositions is 11/29/2017. Rebuttal Expert Reports due by 12/18/2017. Opening Summary Judgment Motions due by 2/9/2018. Oppositions due by 3/12/2018. Replies due by 4/9/2018. Parties shall file joint status report in the form of R. Doc. <u>5</u> pp. 3–10 no later than 10 days after ruling on Summary Judgement Motion(s). Signed by Magistrate Judge Erin Wilder–Doomes on 9/21/2017. (SGO) (Entered: 09/21/2017)