

**U.S. District Court  
Eastern District of Louisiana (New Orleans)  
CIVIL DOCKET FOR CASE #: 2:17-cv-06197-EEF-MBN**

Caliste et al v. Cantrell  
Assigned to: Judge Eldon E. Fallon  
Referred to: Magistrate Judge Michael North  
Case in other court: 5th Circuit Court of Appeals, 17-30831  
USCA, 5th Circuit, 18-30954

Date Filed: 06/27/2017  
Date Terminated: 08/14/2018  
Jury Demand: Defendant  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

**Plaintiff**

**Adrian Caliste**  
*individually and on behalf of all others  
simialry situated*

represented by **Eric A. Foley**  
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**Plaintiff**

**Brian Gisclair**  
*individually and on behalf of all others  
simialry situated*

represented by **Eric A. Foley**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Alec George Karakatsanis**  
(See above for address)  
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**Katharine Murphy Schwartzmann**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Harry E. Cantrell**  
*Magistrate Judge of Orleans Parish*

represented by **Dennis J. Phayer**  
Burglass & Tankersley, L.L.C.

Criminal District Court

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**TERMINATED: 05/15/2018**

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Date Filed	#	Docket Text
06/27/2017	<u>1</u>	COMPLAINT against Harry E. Cantrell, Jr (Filing fee \$ 400 receipt number 053L-6227758) filed by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Summons, # <u>2</u> Civil Cover Sheet)Attorney Katharine Murphy Schwartzmann added to party Adrian Caliste(pty:pla), Attorney Katharine Murphy Schwartzmann added to party Brian Gisclair(pty:pla).(Schwartzmann, Katharine) (Attachments 1 & 2 replaced on 6/27/2017) (cms). (Entered: 06/27/2017)
06/27/2017	2	Initial Case Assignment to Judge Eldon E. Fallon and Magistrate Judge Michael North. (jeg) (Entered: 06/27/2017)
06/27/2017	3	Correction of Docket Entry by Clerk re <u>1</u> Complaint; Filing attorney did not properly format the pdf of the summons and civil cover sheet. The pdf should not have the pink header nor the 3 red buttons at the bottom. When using a FORM, fill in the applicable fields then click the red PRINT button at the bottom to print the document to pdf format. Clerk has taken corrective action. (cms) (Entered: 06/27/2017)
06/27/2017	<u>4</u>	Summons Issued as to Harry E. Cantrell. (cms) (Entered: 06/27/2017)
06/28/2017	<u>5</u>	MOTION to Certify Class by Adrian Caliste, Brian Gisclair. Motion(s) will be submitted on 8/23/2017. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Schwartzmann Dec, # <u>3</u> Exhibit Foley Dec, # <u>4</u> Exhibit Karakatsanis Dec, # <u>5</u> Notice of Submission)(Schwartzmann, Katharine) (Entered: 06/28/2017)
06/30/2017	<u>6</u>	<b>**DEFICIENT**</b> MOTION to Join by David Andrew Christenson (Attachments: # <u>1</u> Exhibits)(cms) (Entered: 06/30/2017)
06/30/2017	<u>7</u>	NOTICE OF DEFICIENT ProSe DOCUMENT: re <u>6</u> Motion to Join. Please see attached letter for steps needed to remedy deficiency. <b>Deficiency remedy due by 7/21/2017.</b> (cms) (Entered: 06/30/2017)
07/03/2017	<u>8</u>	Notice of Related Case(s) by All Plaintiffs of related case(s) 15-cv-4479. (Schwartzmann, Katharine) (Entered: 07/03/2017)

07/06/2017	<u>9</u>	SUMMONS Returned Executed; Harry E. Cantrell served on 6/30/2017, answer due 7/21/2017. (Schwartzmann, Katharine) (Entered: 07/06/2017)
07/14/2017	<u>10</u>	DEFICIENT MOTION to Dismiss by Harry E. Cantrell. Motion(s) will be submitted on 8/23/2017. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Notice of Submission)Attorney Celeste Brustowicz added to party Harry E. Cantrell(pty:dft).(Brustowicz, Celeste) Modified text on 7/17/2017 (ss). (Entered: 07/14/2017)
07/17/2017	<u>11</u>	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice (Filing fee \$ 100 receipt number 053L-6260717) by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing, # <u>2</u> Exhibit Declaration of Alec Karakatsanis, # <u>3</u> Proposed Order)(Foley, Eric) Modified on 7/18/2017 (ss). (Entered: 07/17/2017)
07/17/2017	<u>12</u>	MOTION to Dismiss by Harry E. Cantrell. Motion(s) will be submitted on 8/23/2017. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit, # <u>3</u> Notice of Submission)(Brustowicz, Celeste) Modified text on 7/18/2017 (ss). (Entered: 07/17/2017)
07/18/2017	<u>13</u>	ORDER granting <u>11</u> Motion to Appear Pro Hac Vice as to Alec George Karakatsanis. Signed by Judge Eldon E. Fallon on 7/18/2017. (cms) (Entered: 07/18/2017)
07/20/2017	<u>14</u>	MOTION to Join by David Andrew Christenson Motion(s) will be submitted on 8/23/2017. (Attachments: # <u>1</u> Exhibits, # <u>2</u> Notice of Submission-Cured Deficiency)(cms) (Entered: 07/21/2017)
07/20/2017	<u>15</u>	NOTICE OF APPEAL by David Andrew Christenson. (cms) (Entered: 07/21/2017)
07/27/2017	<u>16</u>	RESPONSE/MEMORANDUM in Opposition filed by Harry E. Cantrell re <u>14</u> MOTION to Join . (Brustowicz, Celeste) (Entered: 07/27/2017)
08/02/2017	<u>17</u>	<b>**DEFICIENT**</b> REPLY to Response to Motion re <u>14</u> MOTION to Join by David Andrew Christenson. (Attachments: # <u>1</u> Exhibits) (cms) (Entered: 08/03/2017)
08/03/2017	<u>18</u>	NOTICE OF DEFICIENT ProSe DOCUMENT: re <u>17</u> Reply to Response to Motion. Please see attached letter for steps needed to remedy deficiency. <b>Deficiency remedy due by 8/24/2017.</b> (cms) (Entered: 08/03/2017)
08/04/2017	<u>19</u>	ORDERED that the Court will hear oral argument on Plaintiffs' <u>5</u> MOTION to Certify Class, and Defendant's <u>12</u> MOTION to Dismiss, on August 23, 2017 at 9:00 a.m. Signed by Judge Eldon E. Fallon on 8/4/2017. (cms) (Entered: 08/04/2017)
08/07/2017	<u>20</u>	EXPARTE/CONSENT MOTION for Leave to File Reply by David Andrew Christenson. (Attachments: # <u>1</u> Proposed Pleading, # <u>2</u> Exhibit)(jls) (Entered: 08/07/2017)
08/07/2017	<u>21</u>	RESPONSE/MEMORANDUM in Opposition filed by Harry E. Cantrell re <u>5</u> MOTION to Certify Class . (Brustowicz, Celeste) Modified text on 8/8/2017 (ss). (Entered: 08/07/2017)
08/09/2017	<u>22</u>	ORDER granting <u>20</u> Motion for Leave to File Response. Signed by Judge Eldon E. Fallon on 8/8/2017. (cms) (Entered: 08/09/2017)
08/09/2017	<u>23</u>	REPLY to Response to Motion re <u>14</u> MOTION to Join by David Andrew Christenson. (Attachments: # <u>1</u> Exhibit)(cms) (Entered: 08/09/2017)
08/14/2017	<u>24</u>	ORDERED that David Andrew Christenson's <u>14</u> Motion to Join is hereby DENIED. Signed by Judge Eldon E. Fallon on 8/11/2017. (cms) (Entered: 08/14/2017)
08/15/2017	<u>25</u>	RESPONSE/MEMORANDUM in Opposition filed by All Plaintiffs re <u>12</u> MOTION to Dismiss . (Foley, Eric) (Entered: 08/15/2017)
08/15/2017	<u>26</u>	<b>**DEFICIENT**</b> REPLY to Response to Motion filed by All Plaintiffs re <u>5</u> MOTION to Certify Class <i>Replying to Defendant's Opposition 21</i> . (Foley, Eric) Modified text on 8/16/2017 (ss). (Entered: 08/15/2017)
08/17/2017	<u>27</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Replying to Defendant's Opposition 21</i> by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Pleading Proposed Reply Memorandum)(Foley, Eric) (Additional attachment(s) added on 8/18/2017: # <u>2</u> Proposed Order) (ss). (Entered: 08/17/2017)

08/18/2017	<u>28</u>	Correction of Docket Entry by Clerk re <u>27</u> MOTION for Leave to File <i>Replying to Defendant's Opposition</i> <u>21</u> ***Filing attorney did not include a proposed order. Proposed Order subsequently provided to Clerk and has now been attached to the motion.*** (ss) (Entered: 08/18/2017)
08/21/2017	<u>29</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Reply Memorandum in Support of FRCP 12b(1) Motion to Dismiss</i> by Harry E. Cantrell. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading, # <u>3</u> Exhibit 1)(Brustowicz, Celeste) (Entered: 08/21/2017)
08/22/2017	<u>30</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Surreponse to Defendant's Motion to Dismiss</i> by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Pleading Proposed Surreponse to <u>29</u> , # <u>2</u> Proposed Order)(Foley, Eric) (Entered: 08/22/2017)
08/23/2017	<u>31</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon: Motion Hearing held on 8/23/2017: re <u>5</u> MOTION to Certify Class. After argument Motion continued to be reset; re <u>12</u> MOTION to Dismiss Case Pursuant to FRCP 12(b)(1). After argument Motion was taken under submission. Defense Exhibit 1 was offered and admitted. (Court Reporter Mary Thompson.) (Attachments: # <u>1</u> Exhibit 1) (mmv) (Entered: 08/23/2017)
08/23/2017	<u>32</u>	REPLY to Response to Motion filed by Harry E. Cantrell re <u>12</u> MOTION to Dismiss . (Brustowicz, Celeste) (Entered: 08/23/2017)
08/23/2017	<u>33</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Supplemental Memorandum of Law</i> by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Pleading Supplemental Memorandum of Law, # <u>2</u> Proposed Order)(Foley, Eric) Modified text on 8/24/2017 (ss). (Entered: 08/23/2017)
08/23/2017	<u>42</u>	**DEFICIENT** MOTION for Reconsideration re <u>24</u> Order on Motion to Join, by David Andrew Christenson. (Attachments: # <u>1</u> Exhibit)(jls) (Entered: 08/25/2017)
08/24/2017	<u>34</u>	ORDER GRANTING <u>27</u> Motion for Leave to File Reply to Defendant's Opposition to Plaintiffs' Motion to Certify a Class Action. Signed by Judge Eldon E. Fallon on 8/23/2017. (jls) (Entered: 08/24/2017)
08/24/2017	<u>35</u>	REPLY to Response to Motion filed by Adrian Caliste, Brian Gisclair re <u>5</u> MOTION to Certify Class . (jls) (Entered: 08/24/2017)
08/24/2017	<u>36</u>	ORDER GRANTING <u>29</u> Motion for Leave to File Memorandum in Support of FRCP 12(b)(1) Motion to Dismiss and all attached exhibits. Signed by Judge Eldon E. Fallon on 8/23/2017. (jls) (Entered: 08/24/2017)
08/24/2017	<u>37</u>	REPLY to Response to Motion filed by Harry E. Cantrell re <u>12</u> MOTION to Dismiss . (Attachments: # <u>1</u> Exhibit 1)(jls) (Entered: 08/24/2017)
08/24/2017	<u>38</u>	ORDER GRANTING <u>30</u> Motion for Leave to File Surreponse in Opposition to Defendants Motion to Dismiss and to Exceed Page Limit. Signed by Judge Eldon E. Fallon on 8/23/2017. (jls) (Entered: 08/24/2017)
08/24/2017	<u>39</u>	Surreponse Memorandum filed by Adrian Caliste, Brian Gisclair, in Opposition to <u>12</u> MOTION to Dismiss . (jls) (Entered: 08/24/2017)
08/24/2017	<u>40</u>	ORDER GRANTING <u>33</u> Motion for Leave to File Supplemental Memorandum in Opposition to Defendants Motion to Dismiss. Signed by Judge Eldon E. Fallon on 8/24/2017. (jls) (Entered: 08/24/2017)
08/24/2017	<u>41</u>	Supplemental Memorandum filed by Adrian Caliste, Brian Gisclair, in Opposition to <u>12</u> MOTION to Dismiss . (jls) (Entered: 08/24/2017)
08/25/2017	<u>43</u>	NOTICE OF DEFICIENT ProSe DOCUMENT: re <u>42</u> Motion for Reconsideration. Please see attached letter for steps needed to remedy deficiency. <b>Deficiency remedy due by 9/15/2017.</b> (jls) (Entered: 08/25/2017)
08/25/2017	<u>44</u>	ORDER AND REASONS denying <u>12</u> MOTION to Dismiss filed by Defendant Harry E. Cantrell. IT IS FURTHER ORDERED that the parties shall attend a status conference in chambers set for 9/7/2017 at 8:30 a.m. Signed by Judge Eldon E. Fallon on 8/25/2017.(jls) (Entered: 08/25/2017)

08/31/2017	<u>45</u>	MOTION for Reconsideration re <u>24</u> Order on Motion to Join by David Andrew Christenson. Motion(s) will be submitted on 1/31/2018. (Attachments: # <u>1</u> Exhibits, # <u>2</u> Notice of Submission) (cms) (Entered: 09/07/2017)
09/07/2017	<u>46</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon: Status Conference held on 9/7/2017. (cms) (Entered: 09/07/2017)
09/08/2017	<u>47</u>	ORDERED that David Andrew Christenson's <u>45</u> Motion for Reconsideration is hereby DENIED. Signed by Judge Eldon E. Fallon on 9/8/2017. (cms) (Entered: 09/08/2017)
09/14/2017	<u>48</u>	EXPARTE/CONSENT MOTION for Discovery <i>Scheduling Order on Discovery for Class Certification</i> by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Order)(Foley, Eric) Modified referral on 9/15/2017 (cms). (Entered: 09/14/2017)
09/18/2017	<u>49</u>	ORDER granting <u>48</u> Motion for Discovery and discovery on the issue of class certification shall close on November 14, 2017. Signed by Judge Eldon E. Fallon on 9/18/2017. (cms) (Entered: 09/19/2017)
09/22/2017	<u>50</u>	MOTION to Stay for Notice of Appeal by David Andrew Christenson. Motion(s) will be submitted on 1/31/2018. (Attachments: # <u>1</u> Notice of Submission, # <u>2</u> Exhibit) (cms) (Entered: 09/25/2017)
09/26/2017	<u>51</u>	ORDERED that David Andrew Christenson's <u>50</u> Motion for Stay for Notice of Appeal is hereby DENIED. Signed by Judge Eldon E. Fallon on 9/26/2017. (cms) (Entered: 09/26/2017)
10/13/2017	<u>52</u>	NOTICE OF APPEAL filed by David Andrew Christenson. (cms) (Entered: 10/13/2017)
10/20/2017	<u>53</u>	USCA Case Number 17-30831 appealed to 5th Circuit Court of Appeals for <u>15</u> Notice of Appeal. (cms) (Entered: 10/20/2017)
10/20/2017	<u>54</u>	ORDERED that the parties will participate in a telephone status conference on November 6, 2017 at 1:30 p.m. The Court will initiate the call. Signed by Judge Eldon E. Fallon on 10/19/2017. (cms) (Entered: 10/20/2017)
10/31/2017	<u>55</u>	<b>**STRICKEN PURSUANT TO RULE 5(D) OF THE FRCP**</b> Request for Subpoenas. 1 subpoena issued by Adrian Caliste, Brian Gisclair.(Foley, Eric) Modified text on 11/1/2017 (jls). (Main Document 55 replaced on 11/1/2017) (jls). (Entered: 10/31/2017)
11/01/2017	56	Correction of Docket Entry by Clerk re <u>55</u> Request for Subpoenas. <b>**Document has been stricken pursuant to Rule 5(d) of the FRCP. Also, please note that a deposition subpoena can be issued by the attorney of record.**</b> (jls) (Entered: 11/01/2017)
11/02/2017	<u>57</u>	MOTION for Extension of Time to Complete Discovery by Harry E. Cantrell. Motion(s) will be submitted on 12/6/2017. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order, # <u>3</u> Notice of Submission)(Brustowicz, Celeste) Modified submission on 11/2/2017 (sa). (Entered: 11/02/2017)
11/02/2017	<u>58</u>	EXPARTE/CONSENT MOTION to Expedite by Harry E. Cantrell. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Brustowicz, Celeste) (Entered: 11/02/2017)
11/02/2017	59	Correction of Docket Entry by Clerk re <u>57</u> MOTION for Extension of Time to Complete Discovery. Filing attorney selected incorrect submission date. Correct date is 12/6/2017. Clerk took corrective action. (sa) (Entered: 11/02/2017)
11/02/2017	<u>60</u>	RESPONSE/MEMORANDUM in Opposition filed by All Plaintiffs re <u>57</u> MOTION for Extension of Time to Complete Discovery . (Foley, Eric) (Entered: 11/02/2017)
11/02/2017	<u>61</u>	<b>**DEFICIENT**</b> MOTION for Leave to Appeal in forma pauperis by David Andrew Christenson. (Attachments: # <u>1</u> Exhibit)(cms) (Entered: 11/03/2017)
11/03/2017	<u>62</u>	NOTICE OF DEFICIENT ProSe DOCUMENT: re <u>61</u> Motion for Leave to Appeal in forma pauperis. Please see attached letter for steps needed to remedy deficiency. <b>Deficiency remedy due by 11/24/2017.</b> (Attachments: # <u>1</u> Application) (cms) (Entered: 11/03/2017)

11/03/2017	<u>63</u>	MOTION for Leave to Appeal in forma pauperis by David Andrew Christenson. (cms) (Entered: 11/06/2017)
11/07/2017	<u>64</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon: Telephone Status Conference held on 11/7/2017. IT IS ORDERED that the parties will participate in a telephone status conference on Monday, November 13, 2017 at 1:30 p.m. The Court will initiate the call. (cms) (Entered: 11/07/2017)
11/07/2017	<u>65</u>	MOTION to Dismiss for Failure to State a Claim by Harry E. Cantrell. Motion(s) will be submitted on 12/6/2017. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order, # <u>3</u> Notice of Submission)(Brustowicz, Celeste) (Entered: 11/07/2017)
11/07/2017	<u>66</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Harry E. Cantrell.(Brustowicz, Celeste) (Entered: 11/07/2017)
11/07/2017	<u>67</u>	ORDER granting <u>63</u> Motion for Leave to Appeal in forma pauperis. Signed by Judge Eldon E. Fallon on 11/7/2017. (cms) (Entered: 11/08/2017)
11/13/2017	<u>68</u>	Minute Order. Proceedings held before Judge Eldon E. Fallon: Telephone Status Conference held on 11/13/2017. IT IS ORDERED that the Defendant's <u>57</u> MOTION for Extension of Time to Complete Discovery is hereby GRANTED, and the deadline for completion of class certification discovery is extended thirty days, from November 14, 217 to December 14, 2017. IT IS FURTHER ORDERED that Defendant's <u>58</u> MOTION to Expedite is hereby DISMISSED AS MOOT. (cms) (Entered: 11/13/2017)
11/16/2017	<u>69</u>	EXPARTE/CONSENT MOTION Set Settlement Conference by Harry E. Cantrell. Motion(s) referred to Michael North. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Brustowicz, Celeste) (Entered: 11/16/2017)
11/17/2017	<u>70</u>	NOTICE by All Plaintiffs of the Status of Discovery on Class Certification. (Foley, Eric) (Entered: 11/17/2017)
11/20/2017	<u>71</u>	ORDER,granting <u>69</u> MOTION Set Settlement Conference . Settlement Conference set for 11/27/2017 02:00 PM before Magistrate Judge Michael North. Signed by Magistrate Judge Michael North on 11/17/2017.(clc) (Entered: 11/20/2017)
11/21/2017	<u>72</u>	ORDER SCHEDULING SETTLEMENT CONFERENCE for 11/27/2017 02:00 PM before Magistrate Judge Michael North. Signed by Magistrate Judge Michael North on 11/21/2017.(clc) (Entered: 11/21/2017)
11/27/2017	<u>73</u>	Minute Entry for proceedings held before Magistrate Judge Michael North: Settlement Conference held on 11/27/2017. Negotiations were productive but unfortunately no resolution of Plaintiffs' claims could be achieved at this time. Further negotiations will proceed telephonically. (clc) (Entered: 11/28/2017)
11/28/2017	<u>74</u>	RESPONSE/MEMORANDUM in Opposition filed by All Plaintiffs re <u>65</u> MOTION to Dismiss for Failure to State a Claim . (Foley, Eric) (Entered: 11/28/2017)
12/04/2017	<u>75</u>	EXPARTE/CONSENT MOTION for Leave to File Reply Memorandum in Response to Plaintiffs' Opposition to Defendants's Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted by Harry E. Cantrell. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order, # <u>3</u> Proposed Pleading)(Brustowicz, Celeste) (Entered: 12/04/2017)
12/05/2017	<u>78</u>	ORDER of USCA as to <u>15</u> Notice of Appeal filed by David Andrew Christenson; ORDERED that the appeal is moot and must be dismissed as stated herein by USCA Clerk, 5th Circuit Court. (Attachments: # <u>1</u> Letter) (cms) (Entered: 12/07/2017)
12/05/2017	<u>79</u>	ORDER of USCA as to <u>52</u> Notice of Appeal filed by David Andrew Christenson; ORDERED that the appeal is dismissed for want of prosecution. The appellant failed to timely file a transcript order form and make financial arrangements with the court reporter. (Attachments: # <u>1</u> Letter) (cms) (Entered: 12/07/2017)
12/06/2017	<u>76</u>	ORDER granting <u>75</u> Motion for Leave to File Reply Memorandum. Signed by Judge Eldon E. Fallon on 12/6/2017. (cms) (Entered: 12/06/2017)
12/06/2017	<u>77</u>	REPLY to Response to Motion filed by Harry E. Cantrell re <u>65</u> MOTION to Dismiss for Failure to State a Claim. (cms) (Entered: 12/06/2017)

12/11/2017	<u>80</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Surreponse Memorandum in Opposition to Defendant's Motion to Dismiss, rec. doc. 65</i> by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Pleading, # <u>2</u> Proposed Order)(Foley, Eric) Modified text on 12/12/2017 (jls). (Entered: 12/11/2017)
12/12/2017	<u>81</u>	ORDER & REASONS that the <u>65</u> Motion filed by Defendant Harry E. Cantrell is hereby DENIED. Signed by Judge Eldon E. Fallon on 12/11/2017. (cms) (Entered: 12/12/2017)
12/12/2017	<u>82</u>	ORDERED that Plaintiffs' <u>80</u> Motion for Leave to File is DENIED AS MOOT. Signed by Judge Eldon E. Fallon on 12/12/2017. (cms) (Entered: 12/12/2017)
12/15/2017	<u>83</u>	ORDER: IT IS ORDERED that the parties will participate in a telephone status conference on January 5, 2018 at 8:30 a.m. The Court will initiate the call. Signed by Judge Eldon E. Fallon on 12/14/2017.(jls) (Entered: 12/15/2017)
01/04/2018	<u>84</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Supplemental Memorandum in Support of Class Certification</i> by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Memorandum in Support of Class Certification, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J)(Foley, Eric) (Entered: 01/04/2018)
01/05/2018	<u>85</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon: Status Conference held on 1/5/2018. (cms) (Entered: 01/05/2018)
01/08/2018	<u>86</u>	ORDER granting <u>84</u> Motion for Leave to File Supplemental Memorandum. Signed by Judge Eldon E. Fallon on 1/8/2018. (cms) (Entered: 01/09/2018)
01/08/2018	<u>87</u>	Supplemental Memorandum filed by Adrian Caliste, Brian Gisclair, in Support of <u>5</u> MOTION to Certify Class . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(cms) (Entered: 01/09/2018)
01/09/2018	<u>88</u>	ORDER RECONVENING SETTLEMENT CONFERENCE for 1/24/2018 02:00 PM before Magistrate Judge Michael North. Signed by Magistrate Judge Michael North on 1/9/2018.(clc) (Entered: 01/09/2018)
01/24/2018	<u>89</u>	Minute Entry for proceedings held before Magistrate Judge Michael North: Settlement Conference held on 1/24/2018. Negotiations were productive but unfortunately no resolution of Plaintiffs claims could be achieved at this time. Further negotiations will proceed telephonically. (clc) (Entered: 01/25/2018)
02/05/2018	<u>90</u>	**DEFICIENT**NOTICE by All Plaintiffs re <u>87</u> Supplemental Memorandum, <u>5</u> MOTION to Certify Class <i>noticing submission of Motion to Certify Class on 2/28/18 at 9 a.m.</i> (Foley, Eric) Modified on 2/6/2018 (cms). (Entered: 02/05/2018)
02/06/2018	<u>91</u>	ORDERED that the parties will participate in a telephone status conference on February 16, 2018 at 8:30 a.m. The Court will initiate the call. Signed by Judge Eldon E. Fallon on 2/6/2018. (cms) (Entered: 02/06/2018)
02/16/2018	<u>92</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon: Telephone Status Conference held on 2/16/2018. (cms) (Entered: 02/16/2018)
02/19/2018	<u>93</u>	EXPARTE/CONSENT MOTION to Set Briefing Schedule by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Order)(Foley, Eric) Modified text on 2/20/2018 (mmv). (Entered: 02/19/2018)
02/21/2018	<u>94</u>	ORDER granting <u>93</u> MOTION to set briefing schedule and the Plaintiffs' <u>5</u> MOTION to Certify Class is set for submission on March 14, 2018. Defendant shall submit a memorandum in opposition to Plaintiffs' Motion no later than eight days prior to the submission date. Signed by Judge Eldon E. Fallon on 2/20/2018. (cms) (Entered: 02/21/2018)
03/05/2018	<u>95</u>	RESPONSE/MEMORANDUM in Opposition filed by Harry E. Cantrell re <u>5</u> MOTION to Certify Class . (Attachments: # <u>1</u> Exhibit)(Phayer, Dennis) (Entered: 03/05/2018)
03/13/2018	<u>96</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Reply to Defendant's Memorandum in Opposition to Motion to Certify a Class Action</i> by Adrian Caliste,

		Brian Gisclair. (Attachments: # <u>1</u> Proposed Pleading Reply Memo, # <u>2</u> Proposed Order)(Foley, Eric) (Entered: 03/13/2018)
03/16/2018	<u>97</u>	ORDER granting <u>96</u> Motion for Leave to File Reply Memorandum. Signed by Judge Eldon E. Fallon on 3/16/2018. (clc) (Entered: 03/16/2018)
03/16/2018	<u>98</u>	REPLY to Response to Motion filed by Adrian Caliste, Brian Gisclair re <u>5</u> MOTION to Certify Class . (clc) (Entered: 03/16/2018)
03/16/2018	<u>99</u>	ORDER & REASONS that the Plaintiffs' <u>5</u> Motion to Certify Class is GRANTED. Signed by Judge Eldon E. Fallon on 3/16/18. (dno) (Entered: 03/16/2018)
03/20/2018	<u>100</u>	EXPARTE/CONSENT MOTION Set Status Conference by Harry E. Cantrell. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Phayer, Dennis) (Entered: 03/20/2018)
03/21/2018	<u>101</u>	ORDER granting <u>100</u> MOTION Set Status Conference. Status Conference set for 3/26/2018 03:30 PM before Judge Eldon E. Fallon. Signed by Judge Eldon E. Fallon on 3/21/2018.(cms) (Entered: 03/21/2018)
03/26/2018	<u>102</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon: Status Conference held on 3/26/2018. IT IS ORDERED that the parties will participate in a telephone status conference with the Court on Tuesday, 5/29/2018 at 3:30 p.m. The Court will initiate the call. IT IS FURTHER ORDERED that a bench trial is hereby set in the above captioned matter for Wednesday, 8/29/2018 at 9:00 a.m. and a pretrial conference is hereby set for Wednesday, 8/15/2018 at 1:30 p.m. (jls) (Entered: 03/26/2018)
03/27/2018	<u>103</u>	SCHEDULING ORDER: Final Pretrial Conference set for 8/15/2018 01:30 PM before Judge Eldon E. Fallon. Status Conference set for 5/29/2018 03:30 PM before Judge Eldon E. Fallon. Bench Trial set for 8/29/2018 09:00 AM before Judge Eldon E. Fallon. All discovery must be completed by 7/16/2018. Signed by Judge Eldon E. Fallon on 3/27/2018. (Attachments: # <u>1</u> Pretrial Notice Form)(jls) (Entered: 03/27/2018)
03/27/2018	<u>104</u>	EXPARTE/CONSENT MOTION for Settlement <i>Conference</i> by Harry E. Cantrell. Motion referred to Michael North. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Phayer, Dennis) (Entered: 03/27/2018)
03/28/2018	<u>105</u>	Correction of Docket Entry by Clerk re <u>104</u> MOTION for Settlement <i>Conference</i> ; Filing attorney should have 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 magistrate judge. Clerk took corrective action. (cms) (Entered: 03/28/2018)
04/02/2018	<u>106</u>	ORDER re <u>104</u> MOTION for Settlement <i>Conference</i> filed by Harry E. Cantrell. ORDERED that the settlement conference will be reconvened on May 1, 2018 at 2:00 p.m. before Magistrate Judge Michael B. North. Signed by Magistrate Judge Michael North on 4/2/2018.(clc) (Entered: 04/03/2018)
05/01/2018	<u>107</u>	Minute Entry for proceedings held before Magistrate Judge Michael North: Settlement Conference held on 5/1/2018. Negotiations were again productive but unfortunately no resolution of Plaintiffs' claims could be achieved at this time. Further negotiations will proceed telephonically. (clc) (Entered: 05/07/2018)
05/14/2018	<u>108</u>	EXPARTE/CONSENT MOTION to Withdraw Celeste Brustowicz as Attorney by Harry E. Cantrell. (Attachments: # <u>1</u> Proposed Order)(Phayer, Dennis) (Entered: 05/14/2018)
05/15/2018	<u>109</u>	ORDER GRANTING <u>108</u> Motion to Withdraw Counsel. Signed by Judge Eldon E. Fallon on 5/15/2018. (mmv) (Entered: 05/15/2018)
05/29/2018	<u>110</u>	Minute Entry for proceedings held before Judge Eldon E. Fallon: A Telephone Status Conference was held on 5/29/2018. (dno) (Entered: 05/29/2018)
06/12/2018	<u>111</u>	**DEFICIENT** EXPARTE/CONSENT MOTION for Leave to File Excess Pages <i>in Memorandum in support of Motion for Summary Judgment</i> by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading Motion for Summary Judgment, # <u>3</u> Memorandum in Support, # <u>4</u> Statement of Contested/Uncontested Facts, # <u>5</u> Exhibit 1 Tr. of Pls' First App. Hr'g, # <u>6</u> Exhibit 2

		Decl. of Adrian Caliste, # <u>7</u> Exhibit 3 Decl. of Brian Gisclair, # <u>8</u> Exhibit 4 Dep. of Magistrate Cantrell, # <u>9</u> Exhibit 5 Tr. of First App. Hr'g, # <u>10</u> Exhibit 6 Tr. of First App. Hr'g, # <u>11</u> Exhibit 7 Tr. of First App. Hr'g, # <u>12</u> Exhibit 8 Response to Req. for Admiss., # <u>13</u> Exhibit 9 Response to SDT to Judicial Admin. Kazik, # <u>14</u> Notice of Manual Attachment Exs. 10 and 11, # <u>15</u> Exhibit 12 NO City Bus. Art.)(Foley, Eric) Modified on 6/13/2018 (jeg). (Entered: 06/12/2018)
06/13/2018	<u>112</u>	**ERROR– DOCUMENT SHOULD HAVE BEEN ATTACHED TO REC DOC 111** NOTICE by Adrian Caliste, Brian Gisclair re Notice of Deficient Filing., <i>Notice of Submission for Plaintiffs' Summary Judgment Motion</i> . (Foley, Eric) Modified on 6/14/2018 (jeg). (Entered: 06/13/2018)
06/13/2018	<u>113</u>	EXPARTE/CONSENT MOTION for Leave to File Excess Pages in <i>Memorandum in Support of Motion for Summary Judgment</i> by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading Motion for Summary Judgment, # <u>3</u> Memorandum in Support, # <u>4</u> Statement of Contested/Uncontested Facts, # <u>5</u> Notice of Submission, # <u>6</u> Exhibit 1–Tr. of Pls.' First App. Hr'g, # <u>7</u> Exhibit 2–Caliste Decl., # <u>8</u> Exhibit 3–Gisclair Decl., # <u>9</u> Exhibit 4–Cantrell Deposition, # <u>10</u> Exhibit 5–First App. Tr. 12/27/16, # <u>11</u> Exhibit 6. First App. Tr. 6/12/17, # <u>12</u> Exhibit 7–First App. Tr. 2/6/17, # <u>13</u> Exhibit 8–Resp. to RFA, # <u>14</u> Exhibit 9–Kazik Resp. to SDT, # <u>15</u> Notice of Manual Attachment, # <u>16</u> Exhibit 12–N.O. City Bus. art.)(Foley, Eric) (Entered: 06/13/2018)
06/14/2018	114	Correction of Docket Entry by Clerk re <u>112</u> Notice (Other). **Document 112 was incorrectly filed as a separate document instead of an attachment to document 111. Filing attorney has re–filed at Rec doc 113. No further action is needed.** (jeg) (Entered: 06/14/2018)
06/14/2018	<u>115</u>	ORDER granting <u>113</u> Motion for Leave to File Motion for Summary Judgment in Excess Pages. Signed by Judge Eldon E. Fallon on 6/14/2018. (clc) (Entered: 06/15/2018)
06/14/2018	<u>116</u>	MOTION for Summary Judgment by Adrian Caliste, Brian Gisclair. Motion(s) will be submitted on 7/11/2018. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Contested/Uncontested Facts, # <u>3</u> Notice of Submission, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2, # <u>6</u> Exhibit 3, # <u>7</u> Exhibit 4, # <u>8</u> Exhibit 5, # <u>9</u> Exhibit 6, # <u>10</u> Exhibit 7, # <u>11</u> Exhibit 8, # <u>12</u> Exhibit 9, # <u>13</u> Notice of Manual Attachment, # <u>14</u> Exhibit 12)(clc) (Additional attachment(s) added per Order, rec. doc. 124 on 6/29/2018: # <u>15</u> Correct Exhibit 5) (mmv). (Entered: 06/15/2018)
06/15/2018	117	Manual Attachment Received re <u>116</u> MOTION for Summary Judgment filed by Brian Gisclair, Adrian Caliste. (dno) (Entered: 06/18/2018)
06/26/2018	<u>118</u>	**DEFICIENT** RESPONSE/MEMORANDUM in Opposition filed by Harry E. Cantrell re <u>116</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Phayer, Dennis) Modified on 6/27/2018 (jeg). (Entered: 06/26/2018)
06/26/2018	<u>119</u>	DEFICIENT DOCUMENT – MOTION for Summary Judgment by Harry E. Cantrell. Motion(s) will be submitted on 7/11/2018. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A – Memorandum in Support of Motion for Summary Judgment, # <u>3</u> Statement of Contested/Uncontested Facts, # <u>4</u> Exhibit A – Statement of Uncontested Material Facts, # <u>5</u> Notice of Submission)(Phayer, Dennis) Modified on 6/28/2018 (dno). (Entered: 06/26/2018)
06/28/2018	<u>120</u>	RESPONSE/MEMORANDUM in Opposition filed by Harry E. Cantrell re <u>116</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Statement of Contested/Uncontested Facts)(Phayer, Dennis) (Entered: 06/28/2018)
06/28/2018	<u>121</u>	MOTION for Summary Judgment by Harry E. Cantrell. Motion(s) will be submitted on 7/11/2018. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A– Motion for Summary Judgment, # <u>3</u> Exhibit B – Motion for Summary Judgment, # <u>4</u> Exhibit C – Motion for Summary Judgment, # <u>5</u> Exhibit D – Motion for Summary Judgment, # <u>6</u> Statement of Contested/Uncontested Facts, # <u>7</u> Exhibit A – Statement of Uncontested Material Facts, # <u>8</u> Notice of Submission)(Phayer, Dennis) (Attachment 4 replaced on 6/29/2018) (jeg). (Entered: 06/28/2018)

06/28/2018	<u>122</u>	EXPARTE/CONSENT MOTION to Amend/Correct <u>116</u> MOTION for Summary Judgment by <i>substituting attached document as Ex. 5 [116-8]</i> by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit Corrected Exhibit 5)(Foley, Eric) (Entered: 06/28/2018)
06/29/2018	123	Correction of Docket Entry by Clerk re <u>121</u> MOTION for Summary Judgment . **Image filed sideways. Clerk has corrected image of attachment 4, pages 3 and 14. Please adjust scanner for future filings. No further action necessary.** (jeg) (Entered: 06/29/2018)
06/29/2018	<u>124</u>	ORDER GRANTING <u>122</u> Motion to Substitute Exhibit to Motion for Summary Judgment. Signed by Judge Eldon E. Fallon on 6/29/2018. (mmv) (Entered: 06/29/2018)
07/10/2018	<u>125</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Reply Memorandum in Support of Summary Judgment <u>116</u> and to Exceed Page Limits</i> by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading)(Foley, Eric) (Entered: 07/10/2018)
07/10/2018	<u>126</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Plaintiffs' Opposition to Defendant's Motion for Summary Judgment <u>121</u></i> by Adrian Caliste, Brian Gisclair. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading Plaintiffs' Reply to Defendant's Opposition to Summary Judgment and Opposition to Defendant's Motion for Summary Judgment, # <u>3</u> Proposed Pleading Plaintiffs' Statement of Contested Facts)(Foley, Eric) (Entered: 07/10/2018)
07/11/2018	<u>127</u>	ORDER GRANTING <u>125</u> Motion for Leave to File Reply Memorandum in Support of Summary Judgment and to Exceed Page Limits. Signed by Judge Eldon E. Fallon on 7/11/2018. (mmv) (Entered: 07/11/2018)
07/11/2018	<u>128</u>	REPLY to Response to Motion filed by Adrian Caliste, Brian Gisclair re <u>116</u> MOTION for Summary Judgment. (mmv) (Entered: 07/11/2018)
07/11/2018	<u>129</u>	ORDER GRANTING <u>126</u> Motion for Leave to File Memorandum in Opposition to Defendant's Motion for Summary Judgment. Signed by Judge Eldon E. Fallon on 7/11/2018. (mmv) (Entered: 07/11/2018)
07/11/2018	<u>130</u>	RESPONSE/MEMORANDUM in Opposition filed by Adrian Caliste, Brian Gisclair re <u>121</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Statement of Contested/Uncontested Facts)(mmv) (Entered: 07/11/2018)
08/06/2018	<u>131</u>	ORDER & REASONS that the Plaintiffs' <u>116</u> Motion for Summary Judgment is GRANTED and the Court provides declaratory relief as set forth in order. IT IS FURTHER ORDERED that the Defendant's <u>121</u> Motion for Summary Judgment is DENIED. Signed by Judge Eldon E. Fallon on 8/6/18. (dno) (Entered: 08/06/2018)
08/14/2018	<u>132</u>	DECLARATORY JUDGMENT: ORDERED, ADJUDGED AND DECREED that there be judgment in favor of plaintiffs, Adrian Caliste, Brian Gisclair, both individually and on behalf of all others similarly situated, and against defendant, Harry E. Cantrell, Magistrate Judge of Orleans Parish Criminal District Court as stated fully herein. FURTHER ORDERED that this matter be Dismissed with prejudice, with each party to bear his or its own costs. Signed by Judge Eldon E. Fallon on 8/13/2018.(clc) (Entered: 08/14/2018)
08/21/2018	<u>133</u>	NOTICE OF APPEAL by Harry E. Cantrell as to <u>132</u> Judgment, <u>44</u> Order and Reasons, <u>81</u> Order and Reasons, <u>131</u> Order and Reasons. (Filing fee \$ 505, receipt number 053L-7071127.) (Phayer, Dennis) Modified text on 8/22/2018 (jeg). (Entered: 08/21/2018)
08/27/2018	134	USCA Case Number 18-30954 appealed to USCA, 5th Circuit for <u>133</u> Notice of Appeal filed by Harry E. Cantrell. (mmv) (Entered: 08/27/2018)
09/05/2018	<u>135</u>	APPEAL TRANSCRIPT REQUEST by Harry E. Cantrell re <u>133</u> Notice of Appeal. (Transcript is unnecessary for appeal purposes) (Phayer, Dennis) (Entered: 09/05/2018)