

CLASS_REQUESTED,CLOSED,TRANSFER

U. S. District Court
Eastern District of Louisiana (New Orleans)
CIVIL DOCKET FOR CASE #: 2:12-cv-01502-CJB-JCW

R.B. et al v. Livers et al
Assigned to: Judge Carl Barbier
Referred to: Magistrate Judge Joseph C. Wilkinson, Jr
Cause: 42:1983 Civil Rights Act

Date Filed: 06/13/2012
Date Terminated: 10/31/2012
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Tracie Breaux
as next friend of T.B., a minor

represented by **John S. Williams**
The Law Offices of John S. Williams, LLC
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William E. Rittenberg
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TERMINATED: 07/09/2012

Plaintiff

R.B.
*on behalf of himself and those similarly
situated*

represented by **John S. Williams**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Carol Anne Kolinchak
(See above for address)

ATTORNEY TO BE NOTICED

Michael Henry Grey , Jr.
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ATTORNEY TO BE NOTICED

Sara Virginia Pic
(See above for address)
ATTORNEY TO BE NOTICED

William E. Rittenberg
(See above for address)
TERMINATED: 07/09/2012

Plaintiff

Kelly Craddock
as next friend of A.C., a minor

represented by **John S. Williams**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Carol Anne Kolinchak
(See above for address)
ATTORNEY TO BE NOTICED

Michael Henry Grey , Jr.
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Sara Virginia Pic
(See above for address)
ATTORNEY TO BE NOTICED

William E. Rittenberg
(See above for address)
TERMINATED: 07/09/2012

Plaintiff

Dolly Robicheaux
as next friend of J.R., a minor

represented by **John S. Williams**
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LEAD ATTORNEY
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Carol Anne Kolinchak
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Michael Henry Grey , Jr.
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Sara Virginia Pic
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ATTORNEY TO BE NOTICED

William E. Rittenberg
(See above for address)
TERMINATED: 07/09/2012

V.

Defendant

represented by

Mary Livers
Dr., in her official capacity as Deputy Secretary of the Louisiana Office of Juvenile Justice

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ATTORNEY TO BE NOTICED

Defendant

Namon Reid, III
in his Official capacity as Director of the Bridge City Center for Youth

represented by **Michael Courtney Keller**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phyllis Esther Glazer
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Daron Brown
in his Official capacity as Director of Jetson Center for Youth

represented by **Michael Courtney Keller**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phyllis Esther Glazer
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

R. Vickie Shoecraft
in her official capacity Director of Swanson Center for Youth

represented by **Michael Courtney Keller**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Phyllis Esther Glazer
 (See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 06/13/2012 | <u>1</u> | COMPLAINT against Mary Livers, Namon Reid, III, Daron Brown, R. Vickie Shoecraft . (Filing fee \$ 350 receipt number 053L-3552147) filed by R.B., Kelly Craddock, Dolly Robicheaux, Tracie Breaux. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit)(Williams, John) Modified on 6/13/2012 (gec,). (Entered: 06/13/2012) |

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| 06/13/2012 | <u>2</u> | Initial Case Assignment to Judge Carl Barbier and Magistrate Judge Joseph C. Wilkinson, Jr. (mmf,) (Entered: 06/13/2012) |
| 06/13/2012 | <u>3</u> | Summons Issued as to Daron Brown, Mary Livers, Namon Reid, III, R. Vickie Shoecraft. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(gec,) (Entered: 06/13/2012) |
| 06/14/2012 | <u>4</u> | MOTION for Preliminary Injunction by Tracie Breaux, Kelly Craddock, R.B., Dolly Robicheaux. Motion set for 8/8/2012 11:00 AM before Judge Carl Barbier. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit, # <u>3</u> Affidavit, # <u>4</u> Affidavit, # <u>5</u> Affidavit)(Williams, John) Modified text on 6/15/2012 (gec,). (Entered: 06/14/2012) |
| 06/27/2012 | <u>5</u> | SUMMONS Returned Executed; Mary Livers served on 6/15/2012, answer due 7/6/2012. (Williams, John) Modified on 6/27/2012 (gec,). (Entered: 06/27/2012) |
| 06/27/2012 | <u>6</u> | SUMMONS Returned Executed; Daron Brown served on 6/18/2012, answer due 7/9/2012. (Williams, John) Modified on 6/27/2012 (gec,). (Entered: 06/27/2012) |
| 07/01/2012 | <u>7</u> | **ERROR: WRONG EVENT SELECTED** AFFIDAVIT of Service by Henry McCoy of Summons served on Namon Reid III on 6/19/12. (Williams, John) Modified on 7/2/2012 (caa,). (Entered: 07/01/2012) |
| 07/01/2012 | <u>8</u> | **ERROR: WRONG EVENT SELECTED** AFFIDAVIT of Service by Marshall Moon of Summons served on R. Vickie Shoecraft on 6/20/12. (Williams, John) Modified on 7/2/2012 (caa,). (Entered: 07/01/2012) |
| 07/01/2012 | <u>10</u> | SUMMONS Returned Executed; Namon Reid, III served on 6/19/2012, answer due 7/10/2012. (caa,) (Entered: 07/02/2012) |
| 07/01/2012 | <u>11</u> | SUMMONS Returned Executed; R. Vickie Shoecraft served on 6/20/2012, answer due 7/11/2012. (caa,) (Entered: 07/02/2012) |
| 07/02/2012 | <u>9</u> | Correction of Docket Entry by Clerk re <u>7</u> Affidavit of Service & <u>8</u> Affidavit of Service. Filing attorney selected incorrect event. Correct event is Summons Returned Executed. Clerk took corrective action by re-docketing the event. No further action necessary at this time.(caa,) (Entered: 07/02/2012) |
| 07/09/2012 | <u>12</u> | EXPARTE/CONSENT MOTION to Withdraw William E. Rittenberg as Attorney of Record by Tracie Breaux, Kelly Craddock, R.B., Dolly Robicheaux. (Attachments: # <u>1</u> Proposed Order)(Williams, John) Modified on 7/10/2012 (gec,). (Entered: 07/09/2012) |
| 07/09/2012 | <u>13</u> | Waiver by Daron Brown, Mary Livers, Namon Reid, III, R. Vickie Shoecraft of Right to Reply pursuant to 42 U.S.C. 1997e(g) (Glazer, Phyllis) (Entered: 07/09/2012) |
| 07/09/2012 | <u>14</u> | ORDER granting <u>12</u> Motion to Withdraw as Attorney. Attorney William E. Rittenberg terminated. Signed by Judge Carl Barbier on 7/9/12. (sek,) (Entered: 07/09/2012) |
| 07/10/2012 | <u>15</u> | Correction of Docket Entry by Clerk re <u>12</u> MOTION to Withdraw William E. Rittenberg as Attorney of Record. Document does not contain Section and Magistrate Judge. All future pleadings must reflect Section "J" and Magistrate Judge (2). (gec,) (Entered: 07/10/2012) |
| 07/10/2012 | <u>16</u> | EXPARTE/CONSENT MOTION to Enroll as Counsel of Record Micheal Grey by Tracie Breaux, Kelly Craddock, R.B., Dolly Robicheaux. (Attachments: # <u>1</u> Proposed Order)(Williams, John) Modified on 7/11/2012 (gec,). (Entered: 07/10/2012) |
| 07/11/2012 | <u>17</u> | ORDER granting <u>16</u> Motion to Enroll as Counsel of Record for Attorney Michael Henry Grey, Jr for Tracie Breaux, Kelly Craddock, R.B., Dolly Robicheaux. Signed by Judge Carl Barbier on 7/11/12. (sek,) (Entered: 07/11/2012) |
| 07/12/2012 | <u>18</u> | **DEFICIENT** MOTION to Certify Class by Tracie Breaux, Kelly Craddock, R.B., Dolly Robicheaux. Motion set for 12/19/2012 09:30 AM before Judge Carl Barbier. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order)(Williams, John) Modified on 7/13/2012 (gec,). (Entered: 07/12/2012) |

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| 07/19/2012 | <u>19</u> | MOTION to Certify Class by Tracie Breaux, Kelly Craddock, R.B., Dolly Robicheaux. Motion set for 12/19/2012 09:30 AM before Judge Carl Barbier. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission, # <u>3</u> Proposed Order)(Williams, John) (Entered: 07/19/2012) |
| 08/03/2012 | <u>20</u> | ORDERED that Defendants shall file an appropriate responsive pleading to Plaintiffs' Complaint <u>1</u> on or before September 3, 2012. FURTHER ORDERED that the hearing on Plaintiffs' Motion for Preliminary Injunction (Rec. Doc. <u>4</u>) is hereby CONTINUED WITHOUT DATE pending Defendants' response to the allegations of Plaintiffs' complaint. Signed by Judge Carl Barbier on 8/2/12.(sek,) (Entered: 08/03/2012) |
| 08/07/2012 | <u>21</u> | EXPARTE/CONSENT MOTION to Enroll as Counsel of Record for Sara V. Pic by Tracie Breaux, Kelly Craddock, R.B., Dolly Robicheaux. (Attachments: # <u>1</u> Proposed Order)(Williams, John) Modified on 8/8/2012 (gec,). (Entered: 08/07/2012) |
| 08/08/2012 | <u>22</u> | ORDER granting <u>21</u> Motion to Enroll as Counsel of Record for Attorney Sara Virginia Pic for Tracie Breaux, Kelly Craddock, R.B., for Dolly Robicheaux. Signed by Judge Carl Barbier on 8/8/12. (sek,) (Entered: 08/08/2012) |
| 08/31/2012 | <u>23</u> | MOTION to Change Venue <i>or alternatively</i> , MOTION to Dismiss Case by Daron Brown, Mary Livers, Namon Reid, III, R. Vickie Shoecraft. Motion set for 9/26/2012 09:30 AM before Judge Carl Barbier. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Submission)(Glazer, Phyllis) (Entered: 08/31/2012) |
| 09/12/2012 | <u>24</u> | Minute Entry for proceedings held before Judge Carl Barbier: Status Conference held on 9/12/2012. The Court will address Defendants' pending Motion for Change of Venue, or Alternatively to Dismiss (Rec. Doc. <u>23</u>) prior to any other pending motions. The Court ORDERED that any opposition is due on or before Friday, September 14, 2012. Defendants' reply due not later than Friday, September 21, 2012. The Court will advise counsel whether oral argument is necessary. The Court will ask Magistrate Judge Wilkinson to follow up with the parties to attempt an early mediation of the Plaintiffs' complaints re ongoing constitutional violations at various LA Office of Juvenile Justice & contract facilities. The Plaintiffs are to bring specific complaints & specific requests for relief to the mediation before Magistrate Judge Wilkinson. (NEF: Judge Wilkinson, T. Lee) (sek,) (Entered: 09/13/2012) |
| 09/14/2012 | <u>25</u> | RESPONSE/MEMORANDUM in Opposition filed by Tracie Breaux, Kelly Craddock, R.B., Dolly Robicheaux re <u>23</u> MOTION to Change Venue <i>or alternatively</i> MOTION to Dismiss Case . (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit)(Williams, John) (Entered: 09/14/2012) |
| 09/17/2012 | <u>26</u> | ORDER: ORDERED that a telephone conference is hereby set in this matter before the undersigned on September 18, 2012 at 10:30 a.m. The purpose of the conference is to discuss Judge Barbier's order issued in this matter on September 12, 2012 and to schedule any in-person settlement conference(s) that might be appropriate. Record Doc. No. 24. Counsel must participate in the conference by contacting my office at 504-589-7630 at the designated time. Signed by Magistrate Judge Joseph C. Wilkinson, Jr on 9/14/12. [NEF: Hon. Carl J. Barbier](tbl) (Entered: 09/17/2012) |
| 09/18/2012 | <u>27</u> | Minute Entry for proceedings held before Magistrate Judge Joseph C. Wilkinson, Jr: A telephone conference was conducted before the undersigned on 9/18/2012. IT IS ORDERED that no later than September 24, 2012, plaintiffs' counsel must submit to defense counsel a written settlement proposal, with a copy to the undersigned, setting forth the relief plaintiffs seek in any potential settlement agreement, supported by a listing of any specific complaints or immediate concerns of plaintiffs that have not previously been described in plaintiffs' affidavits or other filings. FURTHER ORDERED that defense counsel must transmit the settlement proposal to their principals for review and consideration. Plaintiffs' counsel having advised today that there is no objection, the undersigned will then conduct a separate telephone conference concerning settlement prospects with defense counsel and their designated principal(s) on October 9, 2012 at 10:30 a.m. to assess the interest of defendants in making their own settlement proposal and whether and how further settlement proceedings might be conducted. (tbl) (Entered: 09/18/2012) |

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| 09/19/2012 | <u>28</u> | EXPARTE/CONSENT MOTION to Continue <i>Defendants' Motion (Rec. Doc. 23)</i> by Daron Brown, Mary Livers, Namon Reid, III, R. Vickie Shoecraft. (Attachments: # <u>1</u> Proposed Order)(Glazer, Phyllis) (Entered: 09/19/2012) |
| 09/20/2012 | <u>29</u> | ORDER granting <u>28</u> MOTION to Continue <i>Defendants' Motion (Rec. Doc. 23)</i> ; ORDERED that the hearing on <u>23</u> MOTION to Change Venue <i>or alternatively</i> MOTION to Dismiss Case is continued to 10/24/2012. Defendant's shall file their reply memo on or before 10/12/2012. Signed by Judge Carl Barbier on 9/20/2012.(gbw,) (Entered: 09/20/2012) |
| 10/09/2012 | <u>30</u> | Minute Entry for proceedings held before Magistrate Judge Joseph C. Wilkinson, Jr: Telephone Conference held on 10/9/2012. (NEF: Sect J) (caa,) (Entered: 10/09/2012) |
| 10/12/2012 | <u>31</u> | EXPARTE/CONSENT MOTION for Leave to File <i>Reply Memorandum</i> by Daron Brown, Mary Livers, Namon Reid, III, R. Vickie Shoecraft. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading)(Glazer, Phyllis) (Entered: 10/12/2012) |
| 10/15/2012 | <u>32</u> | ORDER granting <u>31</u> Motion for Leave to File Reply Memorandum. Signed by Judge Carl Barbier on 10/15/12. (sek,) (Entered: 10/15/2012) |
| 10/15/2012 | <u>33</u> | RESPONSE/MEMORANDUM in Support filed by Daron Brown, Mary Livers, Namon Reid, III, R. Vickie Shoecraft re <u>23</u> MOTION to Change Venue <i>or alternatively</i> MOTION to Dismiss Case . (sek,) (Entered: 10/15/2012) |
| 10/31/2012 | <u>34</u> | ORDER granting <u>23</u> MOTION to Change Venue; FURTHER ORDERED that this matter is hereby TRANSFERRED to the United States District Court for the Middle District of Louisiana. Signed by Judge Carl Barbier on 10/30/12.(sek,) (Entered: 10/31/2012) |
| 10/31/2012 | <u>35</u> | Receipt of transfer of case to Middle District of Louisiana as case 3:12-cv-00679. (gec,) (Entered: 10/31/2012) |