

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ELZIE BALL, NATHANIEL CODE,
AND JAMES MAGEE,

PLAINTIFFS

VS.

JAMES M. LEBLANC, SECRETARY OF
THE LOUISIANA DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS,
BURL CAIN, WARDEN OF THE
LOUISIANA STATE PENITENTIARY,
JAMES CRUZE, WARDEN OF DEATH
ROW, AND THE LOUISIANA
DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONS,

DEFENDANTS

* CIVIL ACTION NO. 13-368
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* JUDGE: BAJ
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* MAGISTRATE: EWD
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JOINT MOTION FOR CONDITIONAL DISMISSAL

NOW INTO COURT COME THE PARTIES, through undersigned counsel, who, having entered into a settlement agreement,¹ jointly move this Court for entry of an Order conditionally dismissing this action pursuant to Fed. R. Civ. P. 41(a)(2). Final dismissal of this action shall be conditional upon the parties remaining in substantial compliance with the terms of the agreement for a period of one year from the date on which the agreement was signed. At such time, the parties will jointly move the Court for entry of a Final Order dismissing the action pursuant to Fed. R. Civ. P. 41(a)(2). Until that time, the parties request that the case be placed on the Court’s inactive docket. The parties further request that the Court retain jurisdiction for all purposes, including to enforce the terms of the agreement reached by the parties. *See Kokkonen v.*

¹ The agreement is attached to this Motion as Exhibit 1.

Guardian Life Ins. Co. of Am., 511 U.S. 375, 381-82 (1994); *Hospitality House, Inc. v. Gilbert*, 298 F.3d 424, 430 (5th Cir. 2002).

Date: November 5, 2018

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/s/Colin Clark

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On behalf of Defendants

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On behalf of Plaintiffs

CERTIFICATE OF SERVICE

I do hereby certify that on November 5, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all CM/ECF participants.

/s/ Mercedes Montagnes
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