

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CIVIL ACTION
Plaintiff	*	NUMBER: 12-1924
v.	*	SECTION: E
THE CITY OF NEW ORLEANS	*	
Defendant	*	
	* * *	

**UNITED STATES' MOTION TO MODIFY PUBLIC MEETING SCHEDULE
OF MONITOR EVALUATION COMMITTEE**

NOW COMES the United States of America, who respectfully moves this Court to cancel the fifth public meeting of the Monitor Evaluation Committee, which is currently scheduled for May 28, 2013. Alternatively, the United States moves this Court to reschedule that meeting for May 31, 2013. A memorandum in support of this Motion is attached.

The United States attempted to obtain the City's consent to this Motion pursuant to L.R. 7.3, but the City would not join the Motion.

Respectfully submitted,

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* * *

**UNITED STATES' MEMORANDUM IN SUPPORT OF MOTION TO MODIFY
PUBLIC MEETING SCHEDULE OF MONITOR EVALUATION COMMITTEE**

On May 13, 2013, the Court ordered a continuance of the fifth public meeting of the Consent Decree Monitor Evaluation Committee ("Committee") to May 28, 2013 at 12:00pm. *See* May 13, 2013 Order [ECF No. 244]. The United States requests the Court to cancel the May 28, 2013 meeting, or, in the alternative, to move that meeting to May 31, 2013.

The United States respectfully requests that the Court cancel the May 28, 2013 meeting because it will occur after the time for meaningful public involvement in the Committee's Monitor selection. Requiring this meeting would thus require an unnecessary expenditure of significant resources. The Monitor selection process has been lengthy and thorough, and has already included four public meetings during which the United States and the City discussed the field of monitoring candidates and interviewed certain candidate teams. *See* Agreement on Process to Select a Consent Decree Monitor [ECF No. 206-1]. At each of the four public meetings, the Parties received public comments. In addition, since March 6, 2013, the public has had the opportunity to submit written comments. The transparency of this process has allowed the public greater insight into the Monitor candidates and the deliberations of the Committee.

Moreover, the comments received during these public meetings and through written submissions have provided important insights into interested community members' and groups' assessments of the Monitor candidates.

The purpose of the fifth public meeting, however, is for the Committee to “confirm selection of the proposed Monitor” and describe any changes to the selected monitoring team, or otherwise inform the public that no agreement on a Monitor has been reached. *Id.* at 2. The Parties will already be submitting that exact information to the Court on May 28. *See* May 13, 2013 Order (requiring Parties to submit memoranda to the Court). Further, given that the Committee will have reached either agreement or impasse on a monitoring team on or before the fifth public meeting, any public comments made during that meeting will not influence the Committee's selection process. In light of these circumstances, as well as the significant expense that would be incurred unnecessarily if the four individuals on the Committee who do not reside in New Orleans must travel to New Orleans for the fifth public meeting, the United States requests that the meeting be cancelled.

Alternatively, if the public meeting is not cancelled, the United States requests that it be moved until May 31, 2013, at 12:00pm. Two of the United States' five members on the Committee and one of the City's five members have previous commitments on May 28, and would be unable to attend the fifth public meeting as currently scheduled without significant hardship.

If the Parties are unable to agree upon a monitoring team, the Court will select a Monitor and will receive briefing from the Parties regarding the Monitor candidates that they propose. *See* Consent Decree at ¶ 478; May 13, 2013 Order. If the Court moves the May 28 meeting to May 31, the United States requests that the deadline for the Parties' submissions be moved to

May 31 as well. In addition, in the event that the Parties are unable to reach agreement on a Monitor and the decision falls upon the Court, the United States would have no objection to extending the period for public comments during the pendency of the Court's decision making so that members of the community could submit comments on the final Monitor candidates that the Parties propose in their submissions.

The United States attempted to obtain the City's consent to this Motion pursuant to L.R. 7.3, but the City would not join the Motion.

Respectfully submitted,

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