

MINUTE ENTRY
AFRICK, J.
June 14, 2013
JS-10 01:00

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LASHAWN JONES ET AL.

CIVIL ACTION

VERSUS

No. 12-859
c/w 12-138
REF: 12-859

MARLIN GUSMAN ET AL.

SECTION I

ORDER

A status conference was held on this date with counsel for the Plaintiff Class, the United States of America, the Sheriff of Orleans Parish (“Sheriff”), and the City of New Orleans (“City”) participating.

The Court advised the parties that it was considering a framework for evaluating the Sheriff’s third-party claim against the City in which the Court would consider: (1) The funds that the Sheriff has or will have for the remainder of the fiscal year that he is obligated to use for Orleans Parish Prison (“OPP”); (2) The funds that the Sheriff will need to expend to operate OPP for the remainder of the fiscal year, not including the funds needed to implement the Consent Judgment; and (3) The funds needed to implement the Consent Judgment for the remainder of the fiscal year.¹

The Court suggested that this framework would permit a timely implementation of the Consent Judgment while allowing the City and Sheriff to resolve additional or tangentially related

¹The third issue will be addressed at the August 5 hearing. After the hearing, the Court will issue an order relative to the additional funding, if any, needed to implement the Consent Judgment for the remainder of the fiscal year. The Court will not automatically exclude evidence relevant to long-term implementation costs, however, as such evidence will likely assist in future funding determinations by the parties and/or the Court.

disputes through the standard budgetary process. To the extent that process does not yield sufficient funds to implement the Consent Judgment, the parties may ultimately seek relief from the Court.

The Court also notified the parties that it is considering, pursuant to its resolution of the third-party funding claim and dependent upon the evidence presented at the June 24 hearing, ordering that City revenues appropriated for the operation of OPP and the expenditure of such funds be segregated and subject to utilization of proper accounting principles, both of which will improve transparency and accountability.

The parties unanimously agreed that this framework presents an acceptable approach for evaluating the Sheriff's third-party funding claim. The City reserves its argument, however, that the Sheriff should draw upon any resources in his possession to implement the Consent Judgment. The City will detail this argument and supporting authority in its forthcoming memorandum of law.

The parties agree that a plan is necessary to address the issue that the new OPP facility, as presently under construction, will not be able to house all inmates in a manner that complies with the Consent Judgment.² The Plaintiff Class and the United States reiterated their serious concerns that the resolution of this issue is necessary before the August 5 hearing, which all parties agree must not be continued. The Court shares these concerns.


The Plaintiff Class and the United States volunteered to provide assistance, including the assistance of experts, in formulating such a plan. While the Court is aware that any such plan may require input from multiple sources, any delays in creating such a plan will, presumably, only add to the costs of implementing the Consent Judgment. Although the parties were unable to decide on a deadline by which the Sheriff and the City will commit to a plan, they expressed confidence that they can agree upon such a deadline in the near future.

²No one has argued that the new OPP facility, as currently constructed, will be able to immediately replace all other OPP facilities.

Accordingly,

IT IS ORDERED that, on or before **Thursday, June 21, 2013, at 7:30 a.m.**, the parties shall submit a deadline by which the Sheriff and City will advise the Court of their intentions as set forth above.

New Orleans, Louisiana, June 14, 2013.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE