

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

GERALDINE EBBS, et al

CIVIL ACTION

VERSUS

NO: 04-1198-EEF-SS

**ORLEANS PARISH SCHOOL
BOARD**

ORDER

DEFENDANTS' MOTION FOR SANCTIONS (Rec. doc. 261).

DENIED WITHOUT PREJUDICE

The deadline for the plaintiffs, Geraldine Ebbs, et al, to respond to written discovery was August 27, 2010. The plaintiffs' request for reconsideration of an extension of the deadline was denied. Rec. doc. 226. They filed a motion for review of the order which is under submission. Rec. doc. 229.

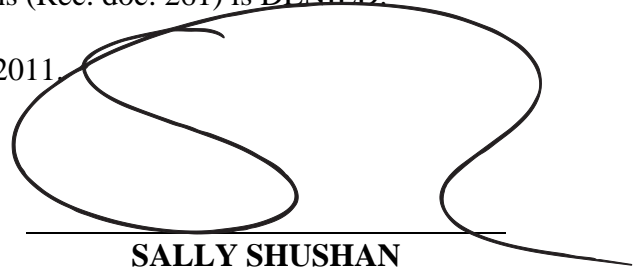
The defendant, Orleans Parish School Board ("OPSB"), seeks the dismissal of thirteen plaintiffs for their alleged failure to provide identifying information. The plaintiffs respond that the information was provided for three of them: (1) Keion Smith; (2) Karen Frazier; and (3) Mary Brooks Dickerson. For example, the plaintiffs contend that Keion Smith was deposed on May 19, 2010 and her Social Security number was confirmed at that time and she provided OPSB with an executed authorization for her tax returns. The plaintiffs report that two of them, Shirlanda Mitchell and Chareise Baham, either wish to opt out or were dismissed for failure to respond to discovery. The plaintiffs report that: (a) the remainder have not responded to repeated requests to supply additional discovery responses; and (b) it is unknown whether they still live at their last known

addresses because they cannot be reached by telephone. These are: (1) Olanda Murphy; (2) Robert Muse, Sr.; (3) Ashlee Pembrick; (4) Patricia Jasmine; (5) Renee Matthew; (6) Samantha Barrow; and (7) Ora Lee Fields. The plaintiffs request that OPSB be ordered to determine if the information is in their personnel files in the possession of OPSB. The plaintiffs take no position on Kim Kayes.

Because the issue of the August 27, 2010 deadline for responding to discovery is on appeal, the plaintiffs' motion for sanctions will be denied without prejudice to re-urge after the appeal is resolved.

IT IS ORDERED that OPSB's motion for sanctions (Rec. doc. 261) is DENIED.

New Orleans, Louisiana, this 1st day of February, 2011

A large, stylized handwritten signature in black ink, appearing to read 'SALLY SHUSHAN', is written over a horizontal line. The signature is fluid and cursive, with a large initial 'S'.

SALLY SHUSHAN
United States Magistrate Judge