

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

**GREATER NEW ORLEANS FAIR HOUSING  
ACTION CENTER, ET. AL.**

**CIVIL ACTION**

**VERSUS**

**NO: 06-7185**

**ST. BERNARD PARISH, ET AL.**

**SECTION: "C" (1)**

**ORDER AND REASONS**

The Court held an evidentiary hearing on December 22, 2011, to determine which construction issues remain before Defendants must issue occupancy permits to Plaintiffs for buildings at the Magnolia, Parc Place, Riverview, and Woodcrest sites. Based on the evidence, testimony and arguments produced by the parties at the hearing, the memoranda of counsel, the court-appointed expert's reports, the applicable law, and the record in this case, the Court makes the following findings.

The parties signed agreements whereby Defendants will issue occupancy permits to Provident for the Magnolia, Parc Place, and Riverview sites based on Provident's representation that it will fulfill the conditions set out in the agreements.

The four feet wide sidewalk and two feet wide grassy median along the Patricia Street side of the Woodcrest site are completed. They comply with the St. Bernard Parish Council Code of Ordinances, Appendix A, Section 3.7(1) and (3).<sup>1</sup> The Court adopts Dr. Lamanna's finding that the sidewalk and median pose no safety concerns.

Accordingly,

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<sup>1</sup>Section 3.7(1) states, in pertinent part: "Sidewalks shall be included within the dedicated non-pavement right-of-way of all roads and shall have a minimum width of four (4) feet." Code of Ordinances, Appendix A, Section 3.7(1). Section 3.7(3) states: "There shall be a median strip of grassed or landscaped areas at least two (2) feet wide separating all sidewalks from adjacent curbs." Code of Ordinances, Appendix A, Section 3.7(3).

IT IS ORDERED that Defendants shall issue occupancy permits to the Magnolia, Parc Place, Riverview, and Woodcrest sites by December 23, 2011, at 10:00 a.m. If Defendants fail to comply with this Order by 3:00 p.m. on that date, they will be fined \$50,000 per day of noncompliance.

New Orleans, Louisiana, this 22nd day of December, 2011.

  
HELEN G. BERRIGAN  
UNITED STATES DISTRICT JUDGE