

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

DUCOTE JAX HOLDINGS, LLC ET AL.	*	CIVIL ACTION
	*	
VERSUS	*	NO. 07-9353
	*	
JDC GROUP, INC. ET AL.	*	SECTION "L"(2)

ORDER

Before the Court is a Motion for Summary Judgment filed by Plaintiffs (Rec. Doc. No. 80). In their motion, Plaintiffs argue that in light of Defendant John Manella’s testimony in the criminal trial in *United States v. Ohle et al.*, No. 08-1109 (S.D.N.Y. filed 2008), as well as this Court’s findings in the related case of *Ducote Jax Holdings LLC et al. v. Bradley*, No. 04-1943, 2007 WL 2008505 (E.D. La. 2007), *aff’d in part and rev’d in part on other grounds*, 335 Fed. App’x. 392 (5th Cir. 2009), there is no longer any genuine issue of material fact as to the liability of Defendants with respect to Plaintiffs’ remaining claims under the Racketeer Influenced and Corrupt Organization (RICO) Act, 18 U.S.C. § 1961 *et seq.*, and under Louisiana law.¹ As to the question of remedy, Plaintiffs seek damages in the amount of \$552,000 plus attorney’s fees, as well as “other and further relief to which they may be entitled.” Pls.’ Mot. at 3 (Rec. Doc. No. 80).

Local Rule 7.5 requires that memoranda in opposition to a motion be filed eight days

¹ On January 12, 2009, the Court granted in part and denied in part a motion to dismiss filed by Defendants, thereby dismissing Plaintiffs’ unjust enrichment claim. *See* Rec. Doc. No. 64. On May 29, 2009, the Court denied a motion for reconsideration filed by Defendants and ordered that the case remain stayed pending proceedings in the Southern District of New York. *See* Rec. Doc. No. 74. The Court extended the stay through July 2, 2010. *See* Rec. Doc. No. 76.

prior to the submission date for the motion. Defendants have not filed any memorandum in opposition to Plaintiffs' motion. Accordingly, this motion is deemed to be unopposed, and furthermore, it appearing that the motion is grounded in law and fact, **IT IS ORDERED** that Plaintiffs' Motion for Summary Judgment (Rec. Doc. No. 80) is hereby **GRANTED**.

The Court notes that although Plaintiffs' Complaint presents claims under both RICO and Louisiana law, "duplicative damages [under RICO and state law] should not be allowed." *Alcorn County, Miss. v. U.S. Interstate Supplies, Inc.*, 731 F.2d 1160, 1171 (5th Cir. 1984), *abrogated on other grounds by United States v. Cooper*, 135 F.3d 960 (5th Cir. 1998). Thus, there is no "other and further relief to which [Plaintiffs] may be entitled" beyond the amount of \$552,000 plus reasonable attorney's fees and costs, which constitutes the relief that is available under RICO, *see* 18 U.S.C. § 1964(c), and that Plaintiffs have identified in their Motion for Summary Judgment.

The amount of reasonable attorney's fees, if disputed, shall be determined on the parties' briefs. Plaintiffs' brief shall be submitted on or before May 24, 2011. Any opposition to Plaintiffs' brief shall be submitted on or before May 31, 2011. The Court will take the matter under submission on June 8, 2011.

New Orleans, Louisiana, this 10th day of May, 2011.


UNITED STATES DISTRICT JUDGE