

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

TANYA LACKEY, ET AL.

VERSUS

SDT WASTE AND DEBRIS SERVICES, ET AL.

CIVIL ACTION

NO: 11-1087

SECTION: "H" (4)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, the objection to the Magistrate Judge's Report and Recommendation, and the response to the objection, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

**IT IS ORDERED** that Defendants, SDT Waste & Debris Services, LLC, et al.'s, ("SDT") **Defendants' Rule 37(b) and 41(b) Motion to Dismiss and Request for Attorney's Fees (R. Doc. 122)** is **GRANTED** in part and **DENIED** in part, as follows:

It is **DENIED** as to Edelia Garza (#303), Terrill Hills, Jr., (#81), Stephen Mercadel (#78), and Allen Pearson (#145) for making a good faith attempt to submit.

It is **GRANTED** as to Deverren J. Allen (#263), Leroy Kyle Aultmon (#58), Corey R. Charles (#279), Larry Gordon (#104), John H. Holmes (#363), Arthur E. Jackson, III (#3), Daneille C. Jones

(#237), Salvador E. Lauricella (#196), Andre T. Matthews (#308), DeRoy McNeal (11/3/11), and Wilbert Robinson (#138) for failing to timely submit.

It is **DENIED** as to Javares Tobias (#160) for providing an illegible Verification day.

It is **DENIED** as to Delroy McNeal (11/2/11), Chad Davis (#231), and Christopher Scogin (#21) for omitting the day from their Verifications.

It is **DENIED** as to Kendrick McCoy (#205) for switching the day and month on his Verification.

It is **DENIED** as to Marcus Christoff (#187), Ronald Smith (#73), Dion Coleman (6/1/11), Earl Jones (#220), and Byron J. Major (#13) for failing to submit signed Verifications. These plaintiffs are granted no more than fifteen (15) days after the adoption of this Report and Recommendation to supplement their Verifications.

It is **DENIED** as to Zanzabar Cosse (#135), John C. James (#50), Ashton Lee (#219), Alvin Ross (#1), Troy Salsberry (5/13/11), Lloyd W. Smith (#199), Hayes Thompson (#241), and Gerald Williams (#335) because these parties submitted Affidavits to contradict SDT's expert findings that these individuals had not signed their Verifications.

It is **GRANTED** as to Derrick Harrison (#155), Benny Hernandez (#332), Byron Knapper (#334), and Tylertopher Pinkney (#133) because these parties did not submit Affidavits to contradict SDT's expert findings that they had not signed their Verifications.

It is **DENIED AS MOOT** as to Billie Hines (#204), Christopher L. Paul (#22), Brentley Pevey (#94), Phillip Powell (#372), Patrick Price (5/13/11), Melvin Soublet (#64), Javares Tobias (#160) for withdrawal of Plaintiff's "forgery" allegations.

It is **DENIED** as to Glen Roy Alveris (#161), Ronald Alveris (#72), Patty Barrow (#68), Vernon Bastian (#134), Terrance Bealer (#362), Jeremy Bienemy (#123), Terika Bienemy (#151), Ternell Bienemy (#140), Ernest Blunt (#269), Tysha Bolden (#115), Damon Boulton (#98), Lucien Boutte (#136), Michael P. Breaux (#107), Connie Brown (#25), Darryl Brown (#340), Foster Brown (#249), Christopher Brumfield (#356), Darlin Adandel Bu (#316), Leonard J. Bush, Jr. (#290), Joseph L. Cabiran, IV (#317), Earl Calvey (#259), Corey Campbell, Sr. (#26), Nathaneil Carpenter (#183), Bryant C. Carter (#320), Marcus Christoff (#187), William R. Christy (#359), Louis Claiborne, Jr. (#275), Donald Claude (#311), Darryn Clouatre (#261), Darren Cole (#200), Jermain Cole (#245), Zanzabar Cosse (#135), Troy Cyres (#86), Christi Davis (#154), Shaw DAVIS (#76), Randy R. Day (#110), Torrey Day (#85), Jack D. DeLeon (#368), Antonio Donahue (#257), David Dumones (#331), Tammie B. Edwards (#80), Ellis Ezeb (#266), Furnell Farmer (#37), Jason Favre (#44), Roxanne Floyd (#74), Floyd Foley, Jr. (#209), Derrick Francois (#171), Spencer Franklin (#157), Jerry Frazier (#247), Roger Fulford (#137), Robert Jude Gay (5/17/11), John B. Gillis (#49), Wayne R. Glasper (#278), Micah Glover (#195), Dimitri Guter (#117), Alfred Hamilton (6/14/11), Ariza Harris (#337), Lester Harrison (#234), Rose Harrison (#253), Corey Hart (#27), Anthony L. Hawkins (#2), Keith Hill (#54), Morris Hilliard (#193), Billie Hines (#204), Tyran Holden (#360), William Horton (#91), Craig Ingram (#366), Willie Ingram, Jr. (#169), Bobby James (#7), John C. James (#50), Roosevelt Jimerson, Jr. (#267), Kevin M. Johnson, Jr. (#252), Terry D. Johnson (#281), Cail Jones, Jr. (#15), Joe Louis Jones, Jr. (#293), Karl Joseph (#52), Jeremy Justice (#100), Ramon Kindle (#131), Tanya Lackey (Nicolini) (5/16/11), Byron J. LaFrance (#11), Aston Lee (#219), Byron Lee (#12), Leonard E. Lee, Jr. (#127), Gerald Little (#121), Cleve Chelle Lombard (#23), Michael Long (#129), Jarren Love (#246), Rochon

J. Mackie (#113), Demond Magee (#302), Melvin Mahoney, Jr. (#225), Byron J. Major (#13), Joseph Major, III (#125), Victor Manuel (#89), Harold Marks (#365), Clozell M. Mason (#24), Tyron A. McEwen (#174), Randy D. McGary (#69), Kelvon McKenzie (#103), Darreck Mixon (#323), Leontine Morgan (224), Freddie Morrison (#306), Paul J. Murphy (#109), Nat Myles (#173), Dale Nicolini (5/6/11), Christopher Paul (#22), John A. Pausch (#48), Warren Peck, Jr. (#190), Eddie E. Perdue (#35), Max E. Perry (10/10/11), Michael Perry (8/12/11), Brently Pevey (#94), Phillip Powell (#372), Patrick Price (5/13/11), Leonardo Ramirez (#128), Rosendo Ramirez-Velasco (#130), August A. Richards (#5), Ricardo Rivera (#70), Lawrence Robertson (#57), John Robinson (#353), Ricky Robinson (#71), Alvin Ross (#1), Troy Salsberry (5/13/11), Keddrick Sanders (#53), Jermaine Singleton (6/6/11), John Smith (5/17/11), Johnny L. Smith, III (#342), Lloyd Smith (#199), Michael J. Smith (#271), Ernest L. Snowden (#36), Melvin Soublet (#64), Robert Squall (#326), Jonathan Steele (#329), Gerald Stewart (#184), Larry Swan (5/13/11), Kelvin Taylor (9/15/11), Troy F. Taylor (#87), Michael Tobias (#65), Amani J. Toomer (#296), Quinton Torbor (#216), Cyril Vegas (#285), Fernando Wallace (#99), Jeffrey Washington (#46), Willie Washington (12/16/11), Corey Watts (#258), Levoice Weary, Jr. (#229), Jason Whitaker (#45), Ronnie White, Jr. (5/26/11), D.C. Williams (#97), Tia Williams (#114), Jesse Wilson (#47), and Edward J. Wylie (#212).

It is **DENIED** as to attorney's fees, as they are not substantially justified.

New Orleans, Louisiana, this 22nd day of October, 2013.

  
UNITED STATES DISTRICT JUDGE