

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

GREATER NEW ORLEANS FAIR HOUSING)	
ACTION CENTER, INC. and)	
KAWANA CLARK,)	CIVIL ACTION
)	
Plaintiffs,)	NO. 13-511-LMA-JCW
v.)	
)	SECTION "I" (2)
)	
GERALD DITTA,)	
Defendant.)	
)	

STIPULATION OF PARTIAL VOLUNTARY DISMISSAL WITH PREJUDICE

Pursuant to Rules 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiffs Kawana Clark and the Greater New Orleans Fair Housing Action Center, Inc. ("GNOFHAC") with the consent of Defendant Gerald Ditta, by counsel, hereby file this Stipulation of Partial Voluntary Dismissal with Prejudice (hereinafter "Stipulation") of certain claims against Defendant, and state as follow:

1. On March 20, 2013, Plaintiffs filed a Complaint in the above-captioned action, asserting claims against Defendants under 42 U.S.C. § 3604(a) and § 3604(d) based on alleged discrimination by defendant during the time period of late December 2010 through February 3, 2011.
2. In the Complaint, Plaintiffs alleged, *inter alia*, that Defendant refused to negotiate for the rental of his rental property and misrepresented the availability of his rental property to Plaintiffs because of their race.

3. In the Complaint, Plaintiffs also alleged, *inter alia*, that Defendant refused to negotiate for the rental of his rental property and misrepresented the availability of his rental property to GNOFHAC's "testers", or investigators, because of their sex.
4. On November 8, 2013, Defendant filed a Motion for Partial Dismissal of Claims in Plaintiff's Complaint (hereinafter "Motion to Dismiss").
5. Fact discovery to date has not revealed sufficient factual support for Plaintiffs' allegations that Defendant misrepresented the availability of housing to GNOFHAC's investigations because of their sex. Such fact discovery included, but is not limited to, documents produced by Defendant and deposition testimony of Defendant and two witnesses.
6. Because discovery has not established that Plaintiffs' sex-discrimination claims against Defendant are sufficiently supported by documentary evidence or witness testimony, dismissal of those claims is reasonable and fair.
7. Therefore, Plaintiffs hereby dismiss their 42 U.S.C. § 3604(a) and § 3604(d) claims against Defendants with prejudice, to the extent that they are based on sex.
8. Evidence that defendant discriminated on the basis of sex will not be used by either party in support or in defense of Plaintiffs' remaining 42 U.S.C. § 3604(a) and § 3604(d) claims based on race.
9. Plaintiffs further voluntarily dismiss their 42 U.S.C. §§ 1981 and 1982 claims against Defendants with prejudice as time-barred.
10. Defendant agrees to withdraw its Motion to Dismiss.
11. The parties agree to this Court's retention of jurisdiction for all purposes, including for purposes of enforcing this Stipulation.

SO STIPULATED:

By: 

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APPROVED AND SO ORDERED on this 27th day of November, 2013.


DISTRICT COURT JUDGE